THE

Rights and Priviledges

OF THE

CITY of LONDON.

PROVED

From { Prescription, Charters, and Acts of Parliament.

ALSO

The Coronation Oaths

Of several of the

Kings of England.

Together with

Some Arguments to enforce on all Great Men their Duty of acting agreeable thereunto, and to the known Laws of the Kingdom.

Veritas abscondi erubescit, nihil enim magis metuit quam non proferri in publicum, vult se in Luce collocari, & quis illam occulat occultetve, quam omnium oculis expositam esse est æquissimum?

Eatenus ratiocinandum donec veritas inveniatur, ubi inventa est Veritas ibi figendum Judicium.

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THIS certainly the Duty of all Men at all times, to exert their *utmoſt Abilities* for the Happineſs and Peace of *that Country* in which they are *born*, and to ſhew their *warmeſt Affections* in the maintenance and Defence of its juſt *Rights* and *Priviledges*, eſpecially when they find how malicious and unwearied the Endeavours of ſome Men are to bring the moſt *ancient*, as well as *glorious Conſtitutions*, under Contempt and Ignominy, and by that means, with a more plauſible Colour, and greater Facility, utterly to *deſtroy* and *diſſolve* them.

May we not fear there are too many ſuch reſolved and deſperate Perſons among Us, that induſtriouſly labour to effect the *utter Subverſion* of *LONDON*'s great *IMMUNITIES*, the *Antiquity* of which, I may be bold to ſay, comes not in *Arrear* to any Citie's in the World.

LONDON, *the Epitome of* England, *the Seat of the Britiſh Empire, the Chamber of the King, and the chiefeſt Emporium, or Town of Trade in the World; wherein all the Bleſſings of Land and Sea, and (by the benefit of Shipping) all the Bleſſings of the Terreſtrial Globe, may be ſaid to be enjoyed, above any City in the World.*

Dr. Chamberlain's *Preſent State of* England, 2 *Part*, 11 *Edit.* Anno 1682. *p.* 176, 178.

Whoever therefore are the quarrelſome Enviers of *LONDON*'s long enjoyed *Cuſtomes*, and *Franchiſes*; whoever would *violently raviſh* from this Metropolis of the Kingdom, thoſe mighty Bleſſings, her *Juriſdictions* and *Priviledges*, (whilſt as yet at leaſt it cannot be boaſted, that ſhe hath forfeited them by Law) thoſe are the Perſons againſt whom I cannot but be affected with Grief, Reſentment, and (I think I am pardonable, if I add too) a zealous Indignation; and indeed a leſs Concern I ſhould hardly know how well to anſwer for, ſince I am obliged to this *Auguſt City*, for its being the *Place* both of my *Nativity* and *Education*, and as ſo, it juſtly commands all my dutiful Regards. The Sword that was at his Father's Throat made a dumb Son once to ſpeak; and ſhall a Man that hath any *true Engliſh Blood* run-

Inter Records Mic. 14. *H.* 6. Civitas London eſt Antiquiſſima & Liberrima Civitas Domini Regis & Regni Angliæ, & Camera Regis vulgariter nuncupata.

ning in his Veins, ſee the *violent* and *unnatural Attempts* of ſome diſſolute angry Citizens upon the *Priviledges* of the *City*, which are the *Bowels* of their *Mother*, and upon her Life and Being too, and yet be ſilent! I could never bring my ſelf to *Mecenas* his cowardly love of Life, which *Seneca* juſtly deſpiſes, *Vita dum ſupereſt, bene eſt, hanc mihi vel acutâ ſi ſedeam Cruce, ſuſtinet.* A meer Being here (me thinks) is not ſo pleaſurable as to make me fond on't, unleſs I could enjoy it with its *comfortable Appendages*; and what is ſufficient to make the *Remains* of *Life* any ways guſtful to that *miſerable Man*, whoſe fate it ſhould be to *ſurvive* the *Wreck* of his *native* Country, and *beloved City?*

If the open and bold Invaſions that have of late been made by ſome Perſons upon the *Rights* and *Liberties* of this *Renowned City*, (in manifeſt and bare-fac'd *Contempt*, not only of its *ancient Uſages, Laws and Cuſtoms*, but of the very *Laws* of the *Land*) have been carried on and promoted by any of the Citizens, let them be of what Rank or eminent Quality ſoever; it is highly demonſtrative, that ſuch Citizens have both *forgotten* the *Duties* of their *Place*, renounced all Truth and Honeſty, and have little leſs than *perjuriouſly* broken all the Obligations of their * *Oaths*, ſolemny taken in the Preſence of God, Angels, and Men, as *Freemen*, or as Perſons of a more *exalted Character*, to keep and defend the *Antient Laws, Uſages, and Cuſtoms of the City.* And what does any good Man think they can leſs deſerve, than, when a convenient Opportunity may occur, for ever to be *diſfranchiſed* from thoſe *excellent* and *highly to be valued Priviledges*, to which they are, and have been ſuch avowed, as well as abhorred Enemies? for *theſe* are the *real Diſturbers of the King's Peace*, and the *Violaters* of thoſe moſt *admirable Laws*, that, if religiouſly obſerved, and ſubmitted to, would preſerve Us all in Order and Harmony, and make 'em no longer angry with thoſe that dare not run with them into the ſame Laviſhes and exceſs of Riot.

* The Oath of every Freeman of the City of *London.*

Ye ſhall ſwear, that ye ſhall be good and true to our Soveraign Lord King Charles, *and to the Heirs of our ſaid Soveraign Lord the King. Obeyſant and obedient ye ſhall be to the Mayor and Miniſters of this City.*

The Franchiſes and Cuſtoms thereof ye ſhall maintain, and this City keep harmleſs in that that in you is. *Ye ſhall be contributary to all manner of Charges within this City, as Summons, Watches, Contributions, Taxes, Tallages, Lot and Scot, and to all other Charges, bearing your part as a Freeman ought to do. Ye ſhall colour no Forrein Goods under, or in your Name, whereby the King, or this City might, or may loſe their Cuſtoms or Advantages. Ye ſhall know no Forreiner to buy or ſell any Merchandize with any other Forreigner within this City or Franchiſe thereof, but you ſhall warn the Chamberlain thereof or ſome Miniſter of the Chamber.* Ye ſhall implead or ſue no Freeman out of this City, whilſt you may have Right and Law within the ſame City. *Ye ſhall take no Apprentice, but if he be free-born, that is to ſay, no Bond man's Son, nor the Child of any Alien, and for no leſs term than for Seven Years, without Fraud or Deceit; and within the firſt Year ye ſhall cauſe him to be enrolled, or elſe pay ſuch a Fine as ſhall be reaſonably impoſed upon you for omitting the ſame; and after his Term's end, within convenient time (being required) ye ſhall make him free of this City, if he have well and truly ſerv'd you. Ye ſhall alſo keep the King's Peace in your own Perſon. Ye ſhall know no Gatherings, Conventicles nor Conſpiracies made againſt the King's Peace, but ye ſhall warn the Mayor thereof, or let it to your Power. All theſe Points and Articles ye ſhall well and truly keep according to the Laws and Cuſtoms of this City to your Power. So God you help.*

The

The *Citizens* ought to behave themſelves as one *entire Body* and *Perſon*, and not to be *Divided* upon any Pretences whatſoever into *Parties* and *Factions*, to *deſtroy* their Immemorial and *Charteral Rights*; becauſe *no Man*, according to the *Laws* of the *Land*, is bound to *diſcover* wherein he is *Criminal*, and lies obnoxious to Penalties to be inflicted: *None* by Law is *obliged* to ſhew the *defect* of his *Title* to any thing, neither is *any one bound to diſcover* any *Act* he hath done, whereby to make himſelf *liable* to a *Forfeiture* of his *Eſtate*; *Nemo tenetur prodere ſeipſum*, is a Rule in Law: Therefore *Citizens and all Freemen being obliged by their ſolemn Oaths to maintain the Liberties of the City and defend them*, that muſt certainly be intended in a *legal ſenſe* and way. And admit particular Citizens have *done* any *Act*, or *committed* any *Offence*, whereby they are *fineable*, or otherwiſe *puniſhable*, or whereby they have *forfeited* thoſe *Priviledges*, they are yet, as *Citizens*, *bound by their Oaths to make the beſt of their Cauſe*, either againſt a **Quo Warranto**, or any *other Action* brought againſt them by any whomſoever.

I. *The Antiquity of the City of* London *by Way of Preſcription.*

AS for the *Antiquity* of this *celebrated City*, I cannot meet with any *Records* to inform me when it firſt commenced. *Venerable Bede*, a *Saxon*, and a *Prieſt*, who writ the *Eccleſiaſtical Hiſtory* of the *Engliſh Nation*, from the coming in of *Julius Cæſar*, to the Year 733, and who lived near 950 Years ago, ſays, *Britannia erat Civitatibus quondam Viginti & octo Nobiliſſimis, inſignita præter Caſtella innumera, quæ & ipſa Muris, Turribus, portis ac ſeris erant inſtructa firmiſſimis*: That *Britain* was of a long time *famous* in 28 moſt *Noble Cities*, beſides *Caſtles innumerable*, which were of a vaſt ſtrength: And as for the *Names* of theſe *Cities* I find them ſet down in *Henry* Arch-deacon of *Huntingdon*, (who writ an *Hiſtory* of the *Kings* of *England* to the Reign of *King Stephen*, in whoſe time he lived) and among them the *City* of *London* is mentioned; He begins them thus; *York*, *Canterbury*, *Worceſter*, *LONDON*, *Gloceſter*, *Wincheſter*, *Carliſle*, *Lincoln*, &c. all of them remaining Cities to this day. *Ammianus Marcellinus*, who wrote near 1300 Years ago, calls *London* then an *Ancient City*.

Bed. Eccleſ. Hiſt. *lib.* 1. *cap.* 1. *f.* 149. *l.* 50.

Hen. de Hunting. *lib.* 1. *f.* 170. *b. l.* 5

Ammian. Marcellin.

Herodian in the Life of *Severus* the *Emperor* of *Rome*, ſaith, *Londinum urbs magna & opulenta*, that it was then a *Great* and *Opulent City*.

Cornelius Tacitus, who married the Daughter of *Lucius Agricola* the *Roman* Governour of *Britain*, who was here with him by the ſpace of ſeven Years, affirms, *Quod Londinum tempore Neronis* (which is above 1500 Years paſt) *fuit Copia Negotiatorum & Commeatu maximè celebre*, that *London* in the time of *Nero*, was a *City* famous for *Trade* and *Commerce*; nay ſo *famous* about that

Tacitus *lib.* 14. Annal. *cap.* 10.

Lord Cook 4. *Inſtit.* fol. 247. *a.*

that time, that by way of *higheſt Honour* and *Dignity*, *Cambden* tells us it was *enobled* above 1360 Years ſince with the Title of *AUGUSTA*.

Camb. Brit. *f.* 305.

Nay, to go a great ſtep higher yet, *Fitz-Stephan*, or *Stephanides*, a *Monk* of *Canterbury*, born of *worſhipful Parents* in the *City* of *London*, who wrote in the Reign of *Henry* the *Second*, of *this City*, ſaith; *Hæc Civitas Urbe Roma ſecundum Chronicorum fidem ſatis antiquior eſt*, &c. That if you give any credit to Hiſtorians, it's far *more ancient* than that of *Rome*.

Stow's *Survey of* London, *f.* 575. 4° Stephanides, *cap.* de diſpoſitione Urbis.

II. *The Rights and Priviledges of the City of* London *proved from Charters.*

NOw certainly *that Perſon* muſt be a Man of a *hardned Forehead*, or elſe be very *ignorant* in the *Annals* and *Hiſtories* of this *Nation*, who can ſuppoſe, that theſe ſo *ancient Cities* declared and mentioned by *Bede* and *Huntingdon*, whereof *London is one*, were made *Corporations* by any *Charters* of our *Britiſh*, *Saxon*, or *Norman Kings*, or that they received all their *Priviledges* from the *ſole Grace*, *Favour* and *Bounty* of them, who in truth were *ſo many* and *ſo inconſiderable* in thoſe times, that *Britain* ſeemed rather an *Ariſtocratical* and *Democratical Government* mixed together, then any *entire or abſolute Monarchy*; For *Xiphiline*, out of *Dion Caſſius* in the Life of the Emperor *Severus*, aſſures us; *apud hos*, i. e. *Britannos* Populus *magna ex parte* Principatum *tenet*; that among the *Britains* the *People* bore a *great ſhare* or ſway in the *Soveraignty*; which, by ſhewing *what kind of Government was among the Britains in thoſe days*, gives us a great Light from whence this ancient City originally had her Priviledges.

Xiphil. & Dio-caſſi. *p.* 601. Impreſſ. Baſiliæ.

And it is another groſs and *notorious Error* for any to affirm, that ſuch Charters of this famous City of *London* as were granted to the *Citizens* or *Barons* of *London*, proceeded from the *mere Will*, *Pleaſure and Kindneſs of the ancient Kings of* England: For whoſoever will pleaſe to *inſpect* with any Conſiderateneſs and Care the *ancient Records* and Hiſtorians of the *Kingdom* as to *this* point, may eaſily ſatisfy himſelf, that there is *no material Clauſe* in any of the *Charters* of the *City* of *London* but what hath *coſt* the *Citizens* many *thouſands of Pounds*; and I dare be bold to ſay, there is not one Subject in all the *King's Dominions* who hath *purchaſed* and paid ſo dear for his *particular Eſtate* by half as the *Citizens* of *London* have done for the *ſeveral Grants* and *Confirmations* of their chargeable *Liberties* and *Priviledges*.

It would be *endleſs* to *file* a *particular Account* of the many *vaſt Sums* of Mony which has been paid to the *Crown* by the *City* for their *ſeveral Grants* and *Confirmations*; I ſhall therefore forbear ſuch an Enlargement, and content my ſelf with giving you a few Inſtances in the more early Times.

1. In

1. In the 9th of *Richard* the 1ſt, the *Citizens* gave *one thouſand five hundred Marks pro Libertatibus ſuis conſervandis.* Ex Rotul. in Scac.

2. In the Reign of *King John* they paid *three thouſand Marks pro habenda confirmatione Regis de Libertatibus ſuis*, which was a very great Sum in thoſe Times. 4 Johan. in Scac. remanen.

3. In 2 *H.* 3. they paid *Quintamdecimam partem omnium Bonorum ſuorum mobilium*, a fifteenth part of all their moveable Goods, *Ut Civitas London. habeat omnes Libertates antiquas & liberas Conſuetudines ſuas*, That the City of *London* might have all her antient Liberties and free Cuſtoms. MS. penès Domin. Sam. Baldwin. Servend. Dom. Reg. ad Leg. MS. penès *Jo. Cook* Gen. de Interiori Templo. M.S. Statutor. penès *Guil. Petyt. Ar.* de interiori Templo. Raſt. Stat. *f.* 1. *a. c.* 9.

4. In 9 *H.* 3. They paid *another fifteenth* of all their *Moveables*, that *London* ſhould have all the *old Liberties* and *Cuſtoms* which it had been uſed to have.

5. In the 36th *H.* 3. The King granted *Civibus London. omnes Libertates ſuas Leges & Conſuetudines & quas etiam habuerunt tempore Regis* Henrici Primi *uſitatas & non uſitatas:* for which their Rent was increaſed *ſeptem Libras Sterlingorum per Annum*, and they then paid to the King *five hundred Marks pro Charta illa habenda*; no ſmall Sum in that Age. *In* MS. in Archivis *London.*

6. In 50 *H.* 3. there were *twenty thouſand Marks* paid for a *further Confirmation* of their *Liberties*; not to inſtance in the many illegal Impoſitions, Tallages, and Taxes, which that *ungovernable King* laid upon the *City*, notwithſtanding ſo many of his *Solemn* and *Sacred Oaths* for the *inviolable Obſervation* of Magna Charta. Stow's *Annals* fol. 199. 1 *Coll.* Liber de Antiquis Legibus in Archiv. *London.*

I ſhall now proceed to ſhew from Charters the Priviledges that the *Citizens* of *London* had to *chooſe* their *Officers*, particularly Sheriffs; and I ſhall begin with,

1. *William* the *Firſt*, commonly called the *Conqueror*, who did confirm the *Ancient Liberties* of the City, and by *one Charter demiſed and granted to the Citizens of* London, *the ſaid City, and the* Shirifwick *thereof*; and afterwards *confirmed* the ſame * in *Parliament*. For the words of the Record are, † *Auctoritate Parliamenti* Willielmus *dimiſit tunc Civibus* London. *totam dictam Civitatem &* Vice-Comitatum *London. cum omnibus Appendiciis*, &c. Stwo's *Survey of* London. *fol.* 740.

* *That there were Parliaments in* William *the* 1ſt's *time, ſee* Argumentum Anti-Normanicum, *proving from ancient Hiſtories and Records, that* William *Duke of* Normandy *made no abſolute Conqueſt of* Englund *by the Sword, in the ſenſe of our Modern Writers, printed,* 1682.

† Lib. K. in Archiv. *London.* Chart. *H.* 1. per Inſpec. 2 *H.* 5.

2. As to the Sheriſwick of Middleſex, *Henry* the *Firſt*, Son to this *William the Conqueror*, *confirmed* the *Liberties* of the *City* of *London*, and granted to *them*, their *Heirs* and Succeſſors for ever the Sheriſwick of Middleſex at the Farm of *three hundred Pounds per Annum*, *Ita quod ipſi* Cives *ponent* Vice-Comitatum *quales* Voluerint *de ſeipſis*; ſo that they ſhould chooſe *what* Sheriffs they pleaſed from *among themſelves*. This was the better to enable the *City* to keep the *Peace*; for many *Murders*, *Rapines*, and *Villanies* being committed in the *City*, the Offenders would thereupon *fly* into *Middleſex*, and the *Citizens* having no Power or Juriſdiction before in that *County*, the Offenders by that Means eſcaped unpuniſhed.

3. King *Stephen* by his Magna Charta *confirmed* (amongſt others) the *Liberties* of the *City*, which they not only had in Ex MS. Civitatis London.

Omnes Libertates & bonas Leges quas Hen. Rex Angl. Avunculus meus eis dedit & conceſſit & omnes bonas Leges, & bonas Conſuetudines eis concedo quas habuerunt *Tempore* Regis *Edwardi*. *Magna Charta Regis Stephani.*

the Times of *William the Conqueror*, *William Rufus*, and *Henry the Firſt*, but thoſe they had and *enjoyed* in the time of Edward the Confeſſor.

Conceſſit & reddidit, & Chartâ ſuâ *Confirmavit* omnes *Conſuetudines* quas R. Hen. 1 eis dedit & conceſſit libere, quietè & plenariè & integrè. Spel. Gloſ. Diatriba de *Magna Charta*. fol. 375. In Archivis London. Journ. Seym. *fol.* 467.

4. *Henry* the *Second* by his Magna Charta did the ſame, and ſo did,

5. King *Richard* the Firſt, his Son, who by his Letters Patents granted to the ſaid Citizens all thoſe their ſaid *Cuſtoms*, and *all* other *Liberties* and *Free Cuſtoms* which they had in the time of King *Henry*, Grandfather to King *Henry* his Father, *whenſoever they were beſt, or moſt free Cuſtoms.*

27 H. 8. *The great Caſe between* St. Martin le Grand *and the City of* London.

Ex Original. Chart. 1 Johannis.

6. King *John* in the firſt Year of his Reign, by a Particular Charter, *confirmed* to the *Citizens* of London and their Heirs, the *free Election* of their Mayor and Sheriffs, with a Power to *diſplace* and *remove* the Sheriffs at their *own pleaſure*: the Words are, *Quod ipſi de ſeipſis faciant* Vice-Comites *quoſcunq; voluerint, & amoveant quando voluerint.*

Charta *H.* 3. per Inſpex. 2 *H.* 5.

7. *Henry* the Third by his Charter *ratified* and *confirmed* to the *Citizens* of *London* and their Heirs the Sheriffwicks of *London* and *Middleſex* for the ancient Fee-Farm of 300 *l. per Annum*, which was the *original* Rent in *Henry* the *Firſt* his time, with the former Clauſe, *Quod ipſi de ſeipſis*, &c. And after the *Citizens* ſhould preſent their Sheriffs ſo choſen by them at the *Exchequer*.

Which ſaid Charters of *Hen.* 1*ſt*, King *John*, and *Henry* the Third, have by *Inſpeximus*'s been confirmed under the Great-Seal of *England*, one of the greateſt Obligations of the King to the People, by *Edw.* 1. *Edw.* 2. *Edw.* 3. *Hen.* 4. *Hen.* 5. *Hen.* 6. *Ed.* 4. *Rich.* 3. *Hen.* 7. *Hen.* 8. *Ed.* 6. Q. *Mary*, Q. *Eliz.* King *James*, King *Charles* 1. and his Preſent Majeſty.

To *cloſe* this *Point*, In the *memorable* Caſe between the *Dean* and *Chapter* of *Weſtminſter* and the City of London 27 *Hen.* 8. touching St. *Martins le Grand*, the *City* by the deliberate Advice not only of the *Recorder* and of the *City*-Counſel, but no doubt by the Direction alſo of other *great* and *eminent* Lawyers of *England*, penned and exhibited the enſuing Articles againſt the *Sanctuary* of St. *Martin*'s to the *King* and *Council*, as I underſtand it.

Journ. Seym. *fol.* 467. *a.* 27 *Hen.* 8. *St.* Martins le Grand.

Articles declaring for the Mayor and Commonalty of London, that the Encloſure and Chyrch of ſeynt Martines le Grande, the Meſſuages, Houſes, and Lane of ſeynt *Martins* aforeſayd, be of and in the Liberty and *Juriſdiction* of the ſaid City, and that there be, nor by any *lawful* meane have been any ſuch *Priviledges* and *Immunity*, the which may or ought to *defend all manner of enorm Enemies of God, the Chyrch, the King and the Realme unpuniſhed, as it hath been of long wrongfully accuſtomed*, and eſpecially to diſherit our moſt dread Soveraign *Lord* and his ſaid City and Chamber

of

of London of such *Rights, Jurisdictions, Liberties and free Customes* as of long time before the *Foundation*, and at the *Foundation* of the said *Church*, and ever after peaceably and quietly had used and approved by divers Records by *Authority* of *Parliament*, *Letters Patents*, and otherwise, as followeth.

1. First, They seyen that the *City* of London is, and synce the time of Remembrance of Man, hath been the Chief City of this Realm, and above all other *Cities* and *Towns* of the same, as well in Honours, Liberties, and Free Customs highly endowed; and the which Famous City in the time of Seynt *Edward King* and *Confessor*, and long time before, always hath been of it self *one hoole County*, and one *hoole Jurisdiction* and *Liberty* by the said *Citizens* and their *Predecessors*, of the *King* and his *Progenitours* holden at Farm.

And the same *Citizens* then and by all the time aforesaid by *reason* of their said *Jurisdiction* and *Liberty* among others have had *Liberties* and *free Customs* to elect and make of themselves yearly certeyn principal Officers in the said City, which faithfully shudde answer the King's Ferme, and immediately under him the People of the said City, and others repairing to the same; in *Peace*, *Unity*, and *Justice* shudde govern after their old Laws and Customs. And also to *substitute* under them other under-*Officers* and *Ministers* to help for the Sustentation and Execution of the Premisses. Thus far only out of the Record.

Nota. *That all Officers within the City were to answer as well to the* Citizens *as the* King.

III. *The Rights and Priviledges of the City of* London *prov'd from Acts of Parliament.*

AND that the Rights of this so Famous and Ancient City might be kept *inviolable*, and remain and flourish to all future Generations. It was the *great Wisdom* of the *Kingdom* to fortify it with new Rampiers against all succeeding Attaques and *Invasions* whatsoever.

I shall pass over the Magna Charta confirmed by the *Common Council* or *Parliament* of the Kingdom in the *fourth* Year of *William* the *First*, wherein it was ordained [That all the *Freemen* of the whole Kingdom aforesaid, should have and keep their *Lands* and *Possessions* well and in *Peace*, free from all *unjust Exactions* and *Tallage*, so that nothing should be exacted or *taken* from them but their *free Services* due to him according to Law, given and granted by them to him by *Right* of *Inheritance* for ever, and that by the Common Council of the whole Kingdom.]

I say, I shall pass over that Charter, and descend to the *Great Charter* of the *Liberties* of *England* granted in King *John*'s time, * *Ut* Civitas *Londinensis habeat* omnes antiquas Libertates & Liberas Consuetudines suas *tam per Terras quàm per Aquas*; and † that of *Hen.* 3. whereby the *City* was to enjoy all the *Old Liberties* and *Customs* which it had been used to have.

Apud C. Lambard L. L. Will Prim. *f.* 170, *c.* 55. Ut omnes *Lib. Hom. totius Monarchia* Regni nostri prædict. *habeant* & *teneant* Terras suas & Possessiones suas benè & in pace lib. ab omni *Exact.* injusta, & ab omni *Tallagio*, ita quod *nihil* ab ei exigatur vel capiatur nisi *Servitium* suum *Liberum* quod de *jure* nobis facere debent & facere tenentur & pront *Statut.* est eis & illis a nob. *dat.* & *Concess.* jure *hereditar. in perpet. per Commune Concil. totius Regni nostri prædict.*

* Mat. Paris *Fol.*

† Rastall's *Stat. Fol.*

And

And it is very observable, that the Magna Charta's of *Hen.* 1. King *Stephen*, and *Henry* the Second, were but as general *Confirmations* of all the *Libertïes*, good *Laws*, and ancient *Customs* of the *Kingdom*: but Differences happening to arise between King *John* and the *Barons* concerning what those *Liberties*, *Laws* and ancient *Customs*, as well of the *Crown* as of the *People*, were, that so they might be brought into greater certainty, and receive new force, The Magna Charta of King *John* was drawn and reduced into more *particular* and *distinct* Articles or Chapters, which he *swore* faithfully to *keep* and *observe*, and the *Barons* did him *Homage* thereupon. And it is a *Truth* most *infallible*, notwithstanding the *Ignorance* (not to say *Malice*) of several *modern* Writers, that have *industriously* imployed their Pens to *defame* those *Venerable* and Ancient *Constitutions* of the *Kingdom*, whereby this *last Age* has been so much poysoned with their notorious *Errors*. I say, this *Charter* of King *John*, *Matt. Paris* (who was *Historiographer Royal* to *Henry* the Third, Son of King *John*, and who lived in that time) does affirm, did contain *ex parte maxima* Leges Antiquas & *Regni* Consuetudines, chiefly the *Ancient Laws* and *Customs* of the Realm. And he must be a Man of but an *ordinary* Capacity and Knowledg in the *Saxon* Laws, and in the Laws of *William* the 1*st*, and *Henry* the 1*st*, and other ancient Records of the Nation, that will *assert* the *contrary*: But if he *desires* to come to the *Knowledg* of the *Truth*, for which all Men ought to have the *higheſt Deference* and *Veneration*, and will do himself that *Justice* to compare the Magna Charta of King *John* with the above-recited Laws and Charters, he may very easily, for the correcting of his Judgment, inform himself, That the *Concession* and *Confirmation* of those *Laws* by King *John's* Charter were not Leges *de novo introductæ vel concessæ*, new upstart Laws inforced upon him by the *power* of the *Barons* at *Running mead*; But they were the avitæ *Consuetudines* & antiquæ *Leges Anglorum*, and to the Observation of which in the *general*, *Vinculo juramenti in die Coronationis suæ adstrictus fuit*, as we shall shew hereafter.

Quam Johannes fideliter tenere juravit *Rot. Pat.* 17. Joh. per unica *m.* 23. *n.* 3.

Spel. Gloss. Diatrib. de Mag. Char. *f.* 374.

This great Charter of King *John*, which Sir *Hen. Spelman* calls—— (*Augustissim. Anglicar. Libertatum diploma & sacra Anchora*) was in the general ratified and confirmed in several Parliaments in the Reign of *Hen.* 3. (and in particular, in the Parliament in the 52 Year of *Hen.* 3.) after he had *conquered* and subdued the *Barons*, and was in the actual Possession of the Entire Regality of the Crown; I say, that then that King did summon a *Parliament* at *Marlborough* to provide for the *better Estate* of the *Realm*, for the more speedy *ministration* of *Justice*, as belongeth to the *Office* of a *King*, the more discreet *Men* of the *Realm* being *called together*, as well of the higher as of the lower Estate, It was provided, agreed, and ordained, That whereas the *Realm* of *England* of late had been *disquieted* with *manifold Troubles* and Dissentions, for *Reformation* whereof, *Statutes* and *Laws* were *right necessary*, whereby the *Peace* and *Tranquillity* of the

52. *H.* 3. Stat. de Marlb. *Preamble.*

the *People* must be *observed*, amongst other *Acts*, *Ordinances*, and *Statutes* then made, which the *King willed* to be *observed* for ever *firmly* and *inviolably* of *all* his *Subjects* as well *high* as *low*, *De Communi Consilio Regni Angliæ Provisum fuit*, That the Great Charter shall be *observed* in all *his Articles*, as well in *such* as *pertain* to the *King*, as to *other*. And that shall be *enquired* afore the *Justices in Eyre* in their *Circuits*, and afore the *Sheriffs* in their *Counties* when *need* shall be; and *Writs* shall be *freely granted* against them that do *offend* before the *King* or the *Justices* of the *Bench*, or before *Justices in Eyre* when they come into those parts. Likewise the *Charter of the Forest shall be observed in all his Articles*, and the *Offenders* when they be *convict* shall be *grievously punished* by our Soveraign Lord the *King* in Form above mentioned.

Register. *fol.* 97. Stat. de Marl. *c.* 5. 15 Ed. 4 *f.* 13. Mirror 319. Co. 2 Inst. *fol.* 108.

Thus we see the steddy and *inviolable Observation* of this Great Charter (wherein the Article concerning the *Liberties* and *Franchises* of the *City* of *London* is a *main* and *essential Branch*) was thought by *this King* and his *Great* and *Soveraign* Council of *Parliament* very *necessary*, if not the *best* and *only way* to preserve the *Peace* and *Tranquillity* of the *People* of *England*. And not only *that King*, but the *whole Nation* were divers times *sworn* to the *Religious Observation* of it, and the Clergy several times in their Publick Excommunications *cursed* all such as should *violate* or *infringe* any *one Article* of it.

So *zealous* were our *Ancestors* to preserve *their Liberties* from all Encroachments, that they employed all the *Strength* of *Human Policy* and *Religious Obligations* to *secure* them *entire* and *inviolate*.

Nor did the Care of *preserving* this *Great Charter*, and therein the *memorable Liberties* and *Priviledges* of the *City* of London, end with that King's Life; But in the *several Confirmations* of that *Charter* in the Reign of that mighty Prince *Edw.* 1. by *Parliament* (in particular in the 25 and 28 Years) the Clergy's care was as *great*, and as *great* were their Excommunications against the Breakers of it: Nay, by a *General Canon* it was strictly *ordained* and *commanded* that the Priests and Confessors when their *Penitents* came to make *Confession* to them, should *charge* their *Consciences* with the *inviolable Observation* of, and *Obedience* to this *mighty Law*, and therein the *Preservation* of the *Liberties* and *free Customs* of this *great Metropolis* of the *Nation* (the *City* of London) as being an *essential* part in Magna Charta, as I have said before.

Rot. Stat. 25 *E.* 1. *m.* 38. *Co.* 2. *Inst. c.* 38. *f.* 76. Magna Charta 28 *E.* 1. sub magno Sigilio in Archivis Lond. remanent.

Pupilla Oculi *fol.* 50. *cap.* 22. De sententia lata super magnam Chartam.

Nay, so *tender* and *careful* was the Wisdom of *Parliament* in 34 *Ed.* 1. That in the Statute *de Tallagio non concedendo* cap. 4. It was ordained for *him* and his *Successors*, viz. *All* Clerks *and* Laymen *of our* Land *shall have their* Laws, Liberties, *and* free Customs *as* largely *and* wholly *as they have used to have the same*

Keebl. Stat. *cap.* 4. *fol.* 72. Volumus & Concedim. pro nobis & Hered. nostris quòd omnes *Cleri* & *Laici* de Regno nostro habeant omnes *Leges*, *Libertates* & *liberas Consuetudines suas* ita liberè & integrè sicut eas *aliquo tempore* melius & plenius habere *consueverunt*, & si contra illas quocunq; Articulo in præsenti Charta contento Statuta fuerint edita per Nos & Anteccessores nostros vel Consuetudines introductæ volumus & concedimus quòd hujusmodi Consuetudines & Statuta vacua & nulla sint in perpetuum.

at any time *when they had them best: And if any Statutes have been made by Us or our Anceſtors, or any Cuſtoms brought in contrary to them, or any manner of Article contained in this preſent Charter, We will and grant that ſuch manner of Statutes and Cuſtoms ſhall be void and fruſtrate for evermore.*

Co. 2 Inſtit. *f.* 534. This containeth (as my Lord Chief Juſtice *Cook* obſerves) a **Reſtitution general** to the **Subjects** of all their **Laws, Liberties,** and **free Cuſtoms,** as *freely* and *wholly* as at any time *before*, in the *better* and *fuller manner* they uſed to have the ſame: And this doth not only *extend* to *Magna Charta*, and *Charta de Foreſta*, but to all *other Laws, Liberties,* or *Freedoms*, aud *free Cuſtoms* whatſoever. But to proceed.

Rot Clauſ. 19 *H.* 2. *m.* 15. dorſo. There having been ſeveral *Invaſions* and *illegal* Proceedings made by the King's *Juſtices* and other his *Miniſters* upon the *Franchiſes, Cuſtoms* and ancient Uſages of the City, eſpecially by colour of a **Quo Warranto** brought againſt the City 14 *E.* 2. before *Henry de Stanton* and others, Juſtices in Eyre, ſitting in the Tower of *London*, who not only had refuſed to allow the Citizens ſome of their *Præſcriptional* Rights, but had *fore-judg'd* them of others *contrary* to their *ancient Cuſtoms.* The Commons in Parliament, 19 *Edw.* 2. petition'd the King, That he would pleaſe to let the City enjoy again thoſe *Liberties*, without having any further Attempts made upon it by his *Miniſters* or *Judges:* and as the *Reaſon* they gave was *extraordinary*, ſo likewiſe was it moſt *true*, *Que noſtre Commune Recovrir eſt en la dite Citée*, becauſe the general *Safety* of the *Kingdom* was in that of the ſaid *City:* To which the King, *De aſſenſu Prælatorum Comitum Baronum & aliorum in dicto Parliamento tunc exiſtentium*, Anſwered, *Que droit ſoit fait*, That Right ſhould be done them.

Rot. Clauſ. 35 *E.* 1. *m.* 13. dorſo. Fit le ſerement ſur le Corps de Dieu & ſur les autres Reliques. And indeed it was no wonder that *Edw.* 2. bore a *heavy* Hand over the *Londoners*, ſince forgetting his *Solemn Oath* he had made to his Father *Edw.* 1. **upon the Body of God, and upon other Reliques,** in the Parliament 35 of his Reign, That he would never have any thing more to do with *Peirce Gaveſton*, a *Gaſcoign* or *French-man*, who had ſadly debauched him, for which (*Communi decreto exiliatus*) he was baniſhed the Kingdom by Act of Parliament: Yet notwithſtanding, ſcarce was the Breath out of the Body of his Royal Father, but *Edward* ſent for *Gaveſton*, made him Earl of *Cornwall*, Lord Lieutenant of *Ireland*, and gave up the Reins of his *Government* to be wholly managed by the ſaid *Peirce Gaveſton*, after whoſe *Tragical* Fall the King reſigned *himſelf* to be *abſolutely* governed by the pernicious and woful Counſels of the two *Spencers* and their *Accomplices*, of whoſe *uſurped Royal Power*, their Baniſhment of the Queen and Prince (afterwards *Ed.* 3.) their cutting off and murthering ſo many Noble Men, and others, eſpecially *Thomas* Earl of *Lancaſter* the King's Uncle, (whom *E.* 1. upon his Death had charg'd his Son, *ut diligeret & faveret*) their villanous deſign *totally* to deſtroy the *Blood Royal*, and other their *horrible Deſtructions, Oppreſſions*, and

Walſingham. *fol.* 93.

Walſingham. *fol.* 93.

and general *Miſchiefs*, as *Traitours* and Enemies to the King and Realm, as the *Records* and *Hiſtorians* of thoſe times witneſs; ſo have we the Evidence of the *whole Kingdom* in the Parliament 1 *Ed.* 3. which (amongſt other things) tells us, *That* Ed. 2. *nothing did, nor would do but as the* Spencers *and their Party counſelled him, were it never ſo great Wrong.*

Knighton Col. 2531. Dugdale Baronagium.

The Anſwer of *Ed.* 2. in his Parliament, *Anno* 19, before mentioned, being not therefore thought a *ſufficient Guard* againſt the King's Miniſters, his Son and Succeſſor, *Ed.* 3. in the *firſt Year* of his Reign, *De Aſſenſu Prælatorum, Comitum, Baronum & totius Communitatis Regni in Parliamento.* By the *Conſent* both of the *Lords* and *Commons*, did by his *Charter* in that *Parliament* grant and *confirm*, as a **perpetual Law**, for him and his *Heirs* **for ever**, *That ſince* **In Magna Charta de Libertatibus Angliæ**, *it was contained, That the City of* London *ſhould have and enjoy* Omnes Libertates ſuas antiquas & Conſuetudines ſuas, *All* their *Ancient Liberties* and *Cuſtomes*; *And becauſe* the *ſaid Citizens* had at the time of the ſaid *Charter*, *Et temporibus Sancti Edwardi Regis & Confeſſoris & Willielmi Conqueſtoris & aliorum Progenitorum noſtrorum*; and in the time of St. *Edward* the *Confeſſor*, and *William* the *Conqueror*, and other the *Progenitors* of the ſaid King, *diverſas Libertates & Conſuetudines tam per Chartas ipſorum Progenitorum quam ſine Chartis ex antiqua Conſuetudine*, he *granted* and *confirmed* to the *Citizens* their *Heirs* and *Succeſſors*, that they ſhould *enjoy* their *Liberties* and *Cuſtoms* which they *not only* had by the *Charters* of thoſe his ſaid *Progenitors*, but which they *enjoyed* **without Charters** by *antient Cuſtomes*. And becauſe *thoſe Liberties* had been *oftentimes impeached*, and ſome of them *fore-judged* in the *tempeſtuous times* of *Edw.* 2. as before hath been obſerved, and other *preceding Kings*, contrary to **Magna Charta**: therefore both the *King*, and the *Lords* and *Commons* did ſet a *Brand* upon ſuch illegal *Proceedings*, and by their *Solemn Act* did publickly *condemn* them as **Uſurpations**, to prevent the like in Ages to come; and alſo put a mark of Infamy upon the Names of *Henry de Stanton* and his Fellow-Juſtices, who in the *Quo Warranto* 14 *Ed.* 2. refus'd to do the City Juſtice.

Plac. Coronæ coram Domino Rege apud Eborac. Term. Statutæ Trinitat. 1 *E.* 3. penès Camerar. in Scaccario remanen.

And further, by the ſame Authority, it was *Enacted*, That the *Liberty* of the ſaid *City* ſhould not be taken into the *Hands* of *Edward* the Third, or his **Heirs**, for any *Perſonal Treſpaſs* or *Judgment* of any **Miniſter** of the ſaid *City*; Nor that a **Cuſtos** ſhould be *ſet* over the ſaid *City* upon any ſuch like *Occaſion*, but the *Miniſter* that tranſgreſſed, ſhould be *puniſhed* according to the *Quality* of his *Offence*.

Quod pro aliqua Perſonali Tranſgreſſione vel Judicio perſonali alicujus Miniſtri ejuſdem Civitatis non capiatur Libertas Civitatis illius in manum noſtram vel Hered. noſtrorum nec Cuſtos in eadem Civitate eâ occaſione deputetur ſed hujuſmodi Miniſter prout qualitas tranſgreſſionis requirit, puniatur.

And when *Richard* the Second (that unfortunate Prince) endeavour'd to ſhake the *Antient Government* of the City, as alſo of the *whole Kingdom*; for his unlucky **Flatterers** had ſo far **impos'd** upon his *Underſtanding*, that *forgetting* his ſolemn *Coronation*-Oath, whereby he was bound to govern his Subjects *ſecundum Leges Regni* according to the *Laws* of the *Kingdom*, not *ſecundum merum Imperium Regis*; he often declared, *Quod* **Leges** *ſue erant in*

Rot. Parl. 1 H. 4. Art. 16.

in Ore *ſuo, & in* Pectore *ſuo, & quod ipſe* ſolus *poſſit mutare & condere* Leges, that the *Laws* were in his *Mouth* and in his *Breaſt*, and that he had ſuch a *Prerogative* that he could *make* and *change* Laws when he pleaſed.

The *Commons* conſidering the high Conſequences which would unavoidably affect the whole Kingdom by the *Invaſion* of the Liberties of the *City*, they preſently took the *Alarm*, and thereupon petition'd the King.

Jones Rep. *f.* 240. Ex Rotulo Parl. tent. apud Weſtm. die Lunæ & prox. ante feſt. omnium ſanct. RRs. Richar. ſecund. poſt Conqueſt. 7° *N.* 37. Item priont les Communes purgreinder qui ete & nuitur de paix perenter vos Lieges & pr. come profit que vos Citenis de Citeè de Londres ſoient entirem. en ce preſent Parlement reſtituz a eur. Franchiſes & frank Uſages & que il pleſe à vouz tres dont Signiory deveſtre grace eſpeciale granter & confirmer as vos dit Citeins & alers Succeſſors per voz Leres Patents touts leurs Libertées & Frank. Uſages auxi entirement & pleinement come ils ou leurs Predeceſſors les avoient en temps d'aucune des voz tresnobles Progenitours, oue clauſe, *de licet uſi non fuerint vel abuſi fuerint*, enſemblement oue les Franchiſes qu'ls ont en eſpecial de veſtre tres gracious grant ou confirmencent, nient conſtre ſteautz aucuns eſtatuz juggements renduz Ordinances, ou Charters faits ou grants einz ces heures a contrarie ſi bien en temps davons de voz dites Progenitors come en le vie, iſſint heures empirez & arreriz, l'eſtate de eux, & riens value a come profit du Roilme, & que touz les vins & Vitailleas ſi bien peſſoners come auters oue lours Vitailles venantz a voſtre dite Citee ſoient deſore enaunt deſouz le gouernail & renle del' Mair & Aldermannes de la Citèe avant dit pur les temps eſteantz, come auncienement ſoloient eſtre & oultre granter que nul Mair de la dite Citèe deſore enavant, ne fait ne ſoit conſtreint de faire en veſtre Eſchequer tres doubte ſeigneur, nailleurs autre ſerement, mais ſolment launcien ſerement uſe en temps le Roy *Edward* veſtre tres nobleaies (qui Dieux aſſoil) aucun Eſtatute ou Ordinance au contrarie ent faitz non obſtantz. ‖ *Vid.* Cart. Conceſſ. Civibus *London.* 7 *R.* 2. & *lib. H.* in Archivis *Lond.* fol. 169.

That for the *greater Quiet* and maintenance of Peace between his *Leige People* and for *common Profit*, his *Citizens* of his *City* of *London* ſhould be in the then preſent Parliament entirely reſtor'd to their Franchiſes and free Uſages: And that it might pleaſe his moſt Dread Highneſs of his ſpecial Grace to grant and confirm to his ſaid Citizens, and their Succeſſors, by his Letters Patents, all their Liberties and free Uſages, as entirely and fully as they, or their Predeceſſors enjoyed them in the time of any of his moſt *Noble Progenitors*, with the Clauſe of *Licet uſi non fuerint vel abuſi fuerint*; as alſo with the *Franchiſes* which they *enjoyed* from his moſt *Gracious Grant* or *Confirmation*, notwiſtanding any Statutes, Judgments given, *Ordinances* or *Charters* late made or granted to the contrary, as well in the time of any of his ſaid Progenitors, as in his own Reign: *Becauſe the Reſtraint of their Liberties and Frank Uſages had ſeveral ways before that time empaired and put back their Eſtates, and was not available to the common Profit of the Realm*; and that all the *Vintners* and *Victualers*, as well *Fiſhmongers* and *others* with their *Victuals*, coming to his *ſaid City*, ſhould be from thenceforward under the *Rule* and *Governance* of the *Mayor* and *Aldermen* of the aforeſaid *City* for the time being, as *anciently* they were *wont* to be. And further to *grant* that no *Mayor* of the ſaid *City* for the *future* ſhould *take*, nor be *conſtrained* to *take*, in his Court of *Exchequer*, any *other Oath*, but only the *ancient Oath* uſed in the *time* of *King Edward* his moſt Noble Grandfather (whom God abſolve) any Statute or Ordinance to the contrary thereof made notwithſtanding. To which the King anſwered, ‖ *De aſſenſu Prælatorum, Dominorum, Procerum & Magnatum ſibi in eodem Parliamento aſſiſtentium,* Le Roy, le Voet, So it pleaſeth the King.

H. Knighton Coll. 2740 L. 7. An. Dom. 1392. Walſingham, *fol.* 347.

Notwithſtanding all which, a ſad Conſuſion fell upon the *City* of *LONDON* in the *ſixteenth Year* of that King, the *occaſion* of it was *this*: That King having ſent to the *City* of London to borrow 1000 *l.* and they refuſing, a certain *Lumbard* or Banker

Banker undertook to lend the ſame, he having other *People's* Mony in his Hands, and *lending* it *without* their *conſent*, they fell upon him, and ſo beat him, that it e'en coſt him his Life. The *King* hearing this was extreamly *enraged*, and forthwith *ſummoning* a *great Council of Peers* at *Nottingham*, (not a ſtanding Privy Council) he acquaints them with the matter, and they adviſed him preſently to curb the *haughty Inſolence* of the *Citizens*, and one of their *principal Reaſons* was, becauſe they were great *Favourers* and *Encouragers* of the Lollards, (ſuch as we now call Proteſtants).

Omnes Regni pene majores.

Qui omnes infeſti Civibus propter diverſas cauſas conſulant.

Hereupon the *Mayor* and *Sheriffs* with *ſeveral* of the *Aldermen* were *committed* to the *Caſtle* of *Windſor*, and the *reſt* to *other Caſtles*, till the King ſhould otherwiſe by his ſaid Council determine.

And in that Great Council it was Decreed, that a Cuſtos ſhould be *ſet over* the *City*: Shortly after *another Great Council* of *Peers* met at *Windſor*, where were the *Temporal Lords of the whole Kingdom, and almoſt* all the Biſhops, *and ſuch an* Army *drawn together as might juſtly put the Londoners into Terror and Conſternation:* And here it was deſigned to blot the Name of a Citizen from under Heaven. But this was *fruſtrated* by the Duke of *Lancaſter*, and the *Londoners*, when they ſaw there was no way left for them to make their *legal Defence*, reſolved *rebus ſic ſtantibus*, rather to *ſubmit* themſelves to the *King's Mercy* than ſtand to the *Verdict* and *Judgment of twelve Men*, to be ſummoned to paſs upon them after the new way of proceeding by the Statute of 28 E. 3. cap. 10. and therefore they *voluntarily* gave the King 10000 *l.* and ſo were *reſtored* to their *antient Liberties* and *Cuſtoms*.

Domini Temporales Regni cuncti & Epiſcopi fere omnes, nec non exercitus talis qui merito terrori Londinenſium poſſet eſſe.

Cives de ſub Cœlo delere.

Londinenſes ergo in medio Miſeriarum ſubito conſtituti & velut verſati inter eadem & malleum, cum non eſſet locus excuſationis.

Decreverunt ſe potius ſubmittere Regis gratiæ, quam ſuccumbere veridicto vel judicio duodenæ.

But *Henry* the *Fourth*, ſoon after coming to the Crown, this *proceeding* againſt the *City* of *London*, *Caput Regni & Legum* (*the like whereof never happened from that time to this day*, being now 290 Years ago) ſo *ſtartled* all *other Cities* and *Burroughs* of the *Kingdom*, that we find the *care* of *ſucceeding Parliaments* was very *memorable* as to this *Point* in the Reigns of *Hen.* 4. *Hen.* 5. and *Hen.* 6. and that in the *firſt Article* ſometimes before, and ſometimes after the *Confirmation* of the *Rights*, *Liberties*, *Franchiſes*, and *Cuſtoms* of *Holy Church*, the two *great Charters*, and *thoſe* of the *Lords* and *Commons*; the *Cities* and *Borroughs* were *always* ſure to be *remembred* by them, as you may take notice, if you pleaſe to conſult theſe *Statutes*, 4 *Hen.* 4. cap. 1. 7 *Hen.* 4. cap. 1. 9 *Hen.* 4. cap. 1. 3 *Hen.* 5. cap. 1. and 2 *Hen.* 6. cap. 1. I will give you the firſt of them at large, the others are in effect but repetitions of the ſame, and therefore I ſhall only refer you to them for a further Confirmation.

4 *Hen.* 4. cap. 1.

A Confirmation of the Liberties of the Church, and of all Corporations and Perſons.

Keeble's Stat. *f.* 195.

FIrſt, *That Holy Church have all her Liberties and Franchiſes, and that the Lords Spiritual and Temporal,* and all the Cities, Buroughs and Towns Franchiſed, have and enjoy *all their Liberties and Franchiſes which they have had of the Grant of the Progenitors of our ſaid Lord the King, Kings of* England, *and of the Confirmation of the ſame our Lord the King, and that the great Charter, and the Charter of the Foreſt, and all the good Ordinances and Statutes made in the time of our ſaid Lord the King, and in the time of his Progenitors, not repealed, be firmly holden and kept.*

And for the *Honour* of Magna Charta, I will conclude this Head with an Act of Parliament thus (cited by Mr. *Petyt*), viz.

Mr. Petyt's *Ancient Right of the Commons of* England *aſſerted*, f. 103 Rot. Parl. 12 *Ed.* 4. *n.* Raſt. Stat. 12 *Ed.* 4. cap. 7.

That valiant and great Prince Edw. 4. after the overthrow of his Enemies, and peaceful Poſſeſſion of the Crown, aſſiſted with the Judges of England, Arch-Biſhops, Abbots, Priors, his Dukes, Earls, Viſcounts, and Barons, with the Great Men, or Knights of the Counties, and Commons in full Parliament, hath left this recorded to Poſterity; They call this Great Charter the Laudable Statute of Magna Charta, which Statute was made for the great Wealth of this Land; Upon which Magna Charta, the great Sentence and Apoſtolick Curſe by a great number of Biſhops was pronounced againſt the Breakers of the ſame, and the ſame Sentence is four times in the Year openly declared, according to the Law of Holy Church, and in affirmance of the ſaid Statute of the ſaid Great Charter divers Statutes have been made and ordained.

And great reaſon certainly they had to put ſo high a value on that ſo famous Charter, ſince the ſubſtantial part of the Laws thereof were no leſs than the great Reſults, Decrees, and Judgments ordained by the Prudence and Juſtice of the Britiſh, Saxon, and Daniſh Dynaſties, founded upon two grand and principal Bales or Pillars LIBERTY and PROPERTY, which like thoſe two brazen ones called Booz and Jachin ſupporting the Temple of Solomon, upheld the tottering Frame and Fabrick of our ancient Government, though often by evil Men deſigned to be overthrown.

Preface to Cook's 2 Inſtit. Moor's *Reports* fol. 797. per Popham. Matt. Paris. 839.

A Charter Empta & Redempta, purchaſed and redeemed with vaſt Treaſure of the Nation, and the Effuſion of a Sea of Chriſtian Blood: A Law publiſhed and eſtabliſhed with fearful Execrations and terrible Curſes againſt the Infringers and Breakers thereof, and all done with that Religious Solemnity, and profound Ceremony, as it may ſeem inferior only to that of the Commandments of Almighty God, given to the Jewiſh Nation. Thus far Mr. *Petyt.*

From

From all which 'tis plain, that by **Prescription** even as **high** as the **Roman** *Times*,

1. *London* was a *famous* **City** and **Corporation**, and had *Franchises*, *Liberties* and *Customs*. Co. 2 Instit. *f.* 250.

2. That *those Franchises*, *Liberties* and *Customs* out-lived the *Roman Power*, and *descended* to *succeeding Generations*.

3. That they *flourished* under the *Saxon* Government. And,

4. Were *ratified* and *confirmed* by *Parliament* held in the Reign of *William the First*.

5. They were *confirmed* in Parliament by the **Magna Charta's** of *William* 1. *Hen.* 1. King *Stephen*, *Hen.* 2. King *John*, *Hen.* 3. and *Edw.* 1. and by *particular Acts* of *Parliament* of *Ed.* 2. *Ed.*3. and *Rich.* 2. and by the *general Acts* of *Parliament* of *Hen.* 4. *Hen.* 5. *Hen.*6. and *Ed.*4. and that which is of no small concern, is,

The *Rights* and *Priviledges* of the City of *London* are rendred inviolable by the General *Coronation Oaths* of the **Saxon Kings**, by the *solemn Oath* of **William the first**, and by the particular *Coronation Oaths* of *William the Second*, *Henry the first*, King *Stephen*, *Richard the first*, King *John*, *Henry the third*, and *Edw. the first*, and all succeeding Kings down to this day.

I shall *not* give you the *trouble* of the several Oaths at *large*, but only recite to you what *principally makes to my point*, referring you for the *rest* to the *Books* from whence I *collect* them.

To begin with the *Oath* of the **Saxon Kings**, which they took at their *Coronation*. *The Oath of the Saxon Kings.* In vit. Ælfredi mag. *f.* 62.

It was, *That they would* **peaceably** *govern the* **Church** *and the* **People** *of their Kingdom, and would* **forbid** *all* **Injustice** *to all* **Orders** *of* **Men**, *and that in all Judgments Justice and Mercy should be mingled together.*

Dei Eccleſiam ac universum Imperii Populum Chriſtianum vera Pace fruiturum, omnemq; iniquitatem omnibus ordinibus inter dicturum & mandaturum in omnibus Judiciis Juſtitiam & Miſerecordiam.

William the Conqueror's Oath just before he was crowned, was,

That he would govern **all** *his Subjects with that prudent Care as became a* **good King**; *Enact, and* **himself** *keep* **Right Law**, *and would* **interdict** *to the utmost of his Power, all* **false** *Judgments, and that he would* **govern both the English and the French by the same Equality of Law**, *without respect to either.*

Promiſit ſe velle cunctum populum ſibi ſubjectum juſtè ac Regali Providentia regere, rectam Legem ſtatuere & tenere, injuſtaq; judicia penitùs interdicere. *Hoved.* pars prima *fol.* 258. *l.* 14. Quod ſe modeſtè erga ſubjectos ageret, & æquo jure Anglos quò Francos tractaret. *Malmesb. lib.* 3. *fol.* 154. *b. lin.* 8.

William the Second (*in die Coronationis ſuæ*) upon his Coronation, as well by himself, as by all those whom he could get to *pass* their *Faith* for him, *promised* by **Oath** to *Lanfrank*, Archbishop of *Canterbury* (**if he might be King**) that *he would* **observe** *Justice, Equity and Mercy throughout his whole Kingdom,*

Cœpit tam per ſe quam per omnes quos poterat fide Sacramentoq; Lanfranco promittere Juſtitiam, Equitatem & Miſericordiam ſe per totum Regnum, ſi Rex foret, in omni Negotio obſervaturum, Pacem, Libertatem, ſecuritat. Eccleſiarum contra omnes defenſurum. *Eadmer. lib.* 1. *fol.* 13 *lin.* 51.

and

and that he would stand *up in the* Defence *of the* Peace, Liberty *and Security of the Church againſt all Men.*

Bonas & ſanctas omni Populo Leges ſe ſervatur. & omnes Oppreſſiones & iniquitates quæ ſub fratre ſuo emerſerant in omni ſua Dominat. tàm in Eccleſiis quàm in Secularibus negotiis prohibiturum & ſubverſurum, ſpoſpor derat. æc omnia juri-jurandi interjectione firmata ſub monimento Litterarum ſig. ſui Teſtimonio roboraturum. *Eadmer. lib.* 3. *fol.* 55. *lin.* 44.

Henry the Firſt upon his Coronation-day ſwore before the Clergy and People, that *he would keep the* good *and* ſacred Laws, *and all his People ſhould have the benefit of them, that throughout all his Dominion he would forbid all manner of* Oppreſſions *and Injuſtice, into which the Nation was ſunk in his Brother's Reign, as well in matters belonging to the* Church, *as in thoſe that were* ſecular, *and all theſe things he further* corroborated *under his own Hand and Seal.*

Omnes Exactiones Miſchingas & Injuſtitias ſive per Vice Comites vel alios quoſlibet malè inductus funditùs extirpo, bonas Leges & antiquas & juſtas Conſuetudinis in Murdris & Plitis & aliis Cauſis obſervare vel obſervari præcipio & conſtituo.

King *Stephen*, as you may find under his Seal and Charter, *conceſſit & juramento vovit*, 'ſwore utterly to extirpate all Exactions, Miskennings, and Injuſtices illegally introduced either 'by Sheriffs or any other whomſoever; That he would obſerve 'himſelf, and command and cauſe to be obſerved the good and 'ancient Laws and juſt Cuſtoms, in Murders, Pleas, and other 'Cauſes.

Juravit & vovit, Sacr. Sanct Evang. & plurimorum ſanctorum Reliquiis coram eo poſitis quod rectam Juſtitiam exercebit in Populo ſibi commiſſo deinde juravit quod Leges malas & Conſuetudines perverſas ſi aliquæ ſint in Regno ſuo delebit & bonas cuſtodiet. *Bromp.* 1158. *lin.* 57. *Vid.* Matt. Paris *fol* 153. *lin.* 39.

Richard the Firſt, the Oath he took at the *high Altar* in *Weſtminſter-Abby* is thus *Regiſtred* in *Brompton*: 'He ſwore and 'vowed upon the holy Evangeliſts, and the Reliques of ſeveral 'Saints, that he would execute upright Juſtice to his People 'committed to his care, and that he would abrogate and diſannul 'all Evil Laws and wrongful Cuſtoms, if there ſhould be any 'found within his Kingdom, and that he would obſerve and 'maintain thoſe that were good and laudable.

Quod in Popnlo ſibi commiſſo rectam Juſtitiam tenebit, quodq; Leges malas & iniquas Conſuetudines ſi quæ ſint in Regno ſuo delebit & bonas obſervabit & ab omnibus faciet obſervari. *Mat. Paris* fol. 289 *l.* 25

'*Henry* the Third ſwore, That he would likewiſe, ſee that up'right Juſtice ſhould be adminiſtred to his People committed to 'his Charge, and that he would aboliſh and extirpate all bad 'and wicked Laws and Cuſtoms if there ſhould be any found 'within his Kingdom, and obſerve the good, and cauſe all 'Men elſe to obſerve and keep them.

Ego Edw. Filius & Hæres Henrici Reg. profiteor, confiteor & promitto coram Deo & Angelis ejus amodo & deinceps Legem & Juſtitiam pacemq; ſacræ Dei Eccleſiæ Populoq; mihi ſubjecto ſine reſpectu ſervare, ſicut cum Conſilio Fidelium noſtrorum invenire poterimus, Pontificibus quoq; Eccleſiæ Dei condignum & canonic. Honorem exhibere, quæ ab Imperatoribus & Regibus Eccleſiæ ſibi commiſſis collata ſunt inviolabile conſervare, Abbatibus & Vaſis Divinis congruum honorem ſecundum Fidelium noſtrorum, &c. ſicut Deus me adjuvet & ſacra Dei Evangelia cætera deſiderant. *Cam.* Brit. Annal. Hybern. *f.* 800.

Edward the Firſt, his Coronation Oath was thus '— *Ego* 'Edwardus Filius & Hæres Henrici Regis, &c. I Edward, the 'Son and Heir of King *Henry*, do profeſs, declare and promiſe 'before God and his Angels, That from henceforth I will exe'cute Law, Juſtice and Peace to the Holy Church of God, and 'to the People over whom I have the Charge, without any 'reſpect, as We ſhall be able to diſcern with the Advice of our 'Parliament; and alſo to the Prieſts of God's Holy Church, 'will exhibit, and pay all befitting and canonical Honour, and 'inviolably preſerve whatſoever hath been conferr'd upon the 'Church by Emperors and Kings committed to them, as alſo to

the

'the Abbots and holy Veſſels a becoming Honour according 'to our Counſellours, &c. So God me help and his holy Goſpel. The reſt of the Oath is wanting, but much deſired.

I ſhall give you the next Oath at full length, and it is that of *Edward* the Second.

SIRE,

Voulez vous granter & garder & par voſtre ſerment confirmer au People d'Engleterre les Leys & les Cuſtumes a eux granteez par les anciens Roys d'Engleterre voz Predeceſſours droitz & devontez à Dieu & nomement les Leys les Cuſtumes & les Franchiſes grantez au Clergie & au People par le glorieus Roy Seint Edward *voſtre Predeceſſour.* Rot. Clauſ. 1 E. 2. m. 10. pars unica.

Reſponſio Regis, Jeo les grant & promet.

Epiſcopus, Sire, Garderez vouz à Dieu & Seint Egliſe, au Clergie, & au People Pees, & accord. en Dieu entirement ſolonc. voſtre poer.

Reſponſio Regis, Jeo les Garderai.

Epiſcopus, Sire, Freez vous en toutz voz Jugements ouele & droit Juſtice & diſcretion en Meſericord. & Veritè à voſtre Poer.

Reſponſio Regis, Jeo les frai.

Epiſcopus, Sire, Granterez vouz à tenir & gardir les Leys & les Cuſtumes droitereles les quels la Communalte de voſtre Roiaume avera eſleus & les defenderez & afforcerez al honeur de Dieu à voſtre Poer.

Reſponſio, Jeo les grant & promette.

'Tis true, this is the *firſt Coronation Oath* that I meet with upon *Record, formally entred*; yet I doubt not, had the *Records* of *former Kings* been *preſerved* and left to *Poſterity*, but we ſhould have *found* them much what the *ſame* with this. The *Monkiſh Writers*, as in *this King's Coronation*, ſo in *others precedent*, give only a *ſummary Account* of them, *more Hiſtorico.*

And as *this Oath* is the *firſt compleat one* I meet with, ſo for *fear* leaſt *all* may *not underſtand* it, as it is in its *Original Language*, I will take the pains to give it them in *Engliſh*,

'*Sire*, Will you grant and keep, and by your Oath, con-'firm to the People of *England*, the Laws and Cuſtoms to them 'granted by the ancient Kings of *England*, your lawful and reli-'gious Predeceſſors, and namely the Laws, Cuſtoms, and Fran-

'chiſes granted to the Clergy and to the People, by the glori-
'ous King Saint *Edward*, your Predeceſſor.

The King's Anſwer.

I grant, and promiſe to keep them.

The Biſhop. Sire, *Will you keep Peace and Agrement entirely according to your Power, both to God, the Holy Church, the Clergy, and the People?*

The King's Anſwer.

I will keep it.

The Biſhop. Sire, *Will you, to your Power, cauſe Law, Juſtice, and Diſcretion in Mercy and Truth to be executed in all your Judgments?*

The King's Anſwer.

I will.

The Biſhop. Sire, *Will you grant to hold and keep the Laws, and rightful Cuſtoms, which the Commonalty of your Kingdom have, and to defend and uphold them to the Honour of God ſo much as in you lies?*

The King's Anſwer.

I grant and promiſe ſo to do.

And this done, the King *ſwore* to the *Obſervation* of what he *promiſed* upon the *Altar*.

In Rot. Clauſ. 1 E. 3. pars prima. m. 24 in dorſo.

As to the *Oath* of *Edward* the 3*d*, Son and Succeſſor of *Edward* the 2*d*, it is *entred* likewiſe in *French* in the *like Form*.

Richard the Second, his Coronation-Oath.

The Oath is to be ſeen in Rot. Clauſ. 1 *R.* 2. *m.* 44. Sacr. Dom. Regis Corporale de concedendo & ſervando cum ſacra Confirmatione Leges & Conſuetudines ab antiquis, juſtis & Deo devotis Regibus Angliæ Progenitoribus ipſius Regis Plebi Regni Angliæ conceſſio & præſertim Leges, Conſuetudines, & Libertates à glorioſiſſimo & ſanctiſſimo Rege, *Edwardo* Clero, Populoq; Regni prædict. conceſſis.

As to that particular which concerns this Point, is this: 'That 'he would confirm and religiouſly keep the **Laws** and **Cuſtoms** 'granted by the ancient, juſt, and devout Kings of *England*, the 'Progenitors of the ſaid King, to the People of the Kingdom of '*England*, and eſpecially the Laws, Cuſtoms, and Liberties 'granted by the moſt glorious and moſt **holy** King **Edward** to 'the **Clergy** and **People** of the aforeſaid Kingdom. But the formal Oath of this King *Richard* is enrolled in the *Parliament Roll* of 1 *H.* 4. *N.* 16, 17.

Which

Which form *agrees* with that of *Edward* the *Second*, and *Edward* the *Third*, and the *like form* as to ſubſtance hath been *obſerved* even *down* to *our time* by all *ſucceeding Kings*.

Now to *imagine* that after *ſo much Treaſure* paid to the *Crown* by the *Citizens* of *London* for their *Liberties*; after *ſo many Confirmations* of them by the *Charters* of *ſo many Kings* of *England*; and thoſe *back'd* with *ſo many Acts of Parliament*; and *all* further *ſtrengthened* and *corroborated* by the Coronation-Oaths of *all theſe* Kings: To imagine I ſay, after all this, that ſo *Antient* and *Famous* a *City as* London can be *deſtroyed* and *annihilated* in two or three *Terms*, after *ſo many Centuries* of Years by *any Power leſs* than *that* of *Parliament*, and become a *common Vill* as *Iſlington*, &c. is ſo *ſtrange* a piece of *Extravagance*, that I *wonder* how it can ever meet with a *favourable Entertainment* in the *Mind* of *any*, that will give themſelves the *liberty* but of *half* an hour's *ſerious Conſideration* upon the *matter*; For I dare be bold to *affirm*, that there cannot *any ſuch Preſident* be found, not only, I ſay *againſt* the *Rights* of this *Renowned City* of London, but of *any other City*, *or Town Corporate*, or other *body Politick* in all *Records*, *Hiſtories*, or *Law-books* to *this inſtant* of time.

I ſhall now proceed to acquaint you with the *Statute* of the 1*ſt* of King *James*, and the *Petition* of *Right*, and give you ſome few Obſervations deduced from them, and ſo upon the *whole* leave every Man to *think*, or *act*, as his *Judgment*, *Honour*, *Loyalty*, and *Conſcience* ſhall beſt *direct* and *influence him*.

It was the *Solemn Declaration* of King *James*, and that *confirm'd* by the *greateſt Authority* of the Kingdom, *himſelf* being *preſent* in *Parliament*.

'That to alter or innovate the fundamental and antient Parl. Stat. 1 *Jac.* c. 2.
'Laws, Priviledges, and good Cuſtoms of this Kingdom,
'wereby not only the Royal Authority, but the People's ſecu-
'rity of Lands, Livings, and Priviledges both in gene-
'ral and particular are preſerved and maintained: He
'ſaid, To alter them, it was impoſſible, but that preſent
'Confuſion ſhould fall upon the whole State and Frame of
'this Kingdom.

And in the *Declaration* of *divers Rights* and *Priviledges* of the *People* in the third Year of *King Charles* the *Firſt*, that *glorious Martyr*; It is declared, 'That the Subjects ought to be *Petition of Right*, 3 Car. 1.
'governed by the Laws and free Cuſtoms of the *Realm*, and
'that no Offender of what kind ſoever is exempted from the
'Proceedings to be uſed, and Puniſhments to be inflicted by
'the Laws and Statutes of this Realm; and that all the King's
'Officers and Miniſters ſhould ſerve him according to the Laws,
'and Statutes of the *Realm*, as they tendred the Honour of his
'Majeſty, and the Proſperity of his Kingdom.

And

And thus have we in ſhort, ſeen the *Force* and *Power* of the ſacred Coronation-Oaths both of the *Saxon*, *Norman* and *Engliſh* Kings, and deliver'd the great Judgment of King *James*, and his preſent Majeſty's moſt Bleſſed Father, That there are **fundamental** and **ancient Laws** and **Cuſtoms** of the **Kingdom**, whereby both the *Royal* Authority, and the **People's** Security of their Lives and Eſtates, both in general and particular, have been preſerved and maintained, which whenſoever invaded, it was impoſſible but that a dreadful Deſolation ſhould fall upon the whole Kingdom.

Thus have we ſeen that the *Subjects* of *England* ought to be *governed* by the *Laws* and *free Cuſtoms* thereof, and that all the King's *Miniſters* ought to make the *Laws* and *Statutes* of the *Realm* the meaſure of their *Actions*, and if they do contrary to them, they are not to be exempted from due Puniſhments; and that theſe are fundamental *Principles* of the *Engliſh* Monarchy, I ſhall beg the Reader's Favour to preſent him with ſome few Inſtances.

The Lawyers ſay, and that moſt juſtly, That he *Law* of *England* is founded upon *Reaſon*: We have had many Kings endowed with excellent Science, but (as my Lord *Cook* ſays of King *James*) 'Not learned in the Laws of the Realm of *England*; 'and Cauſes which concern the Life, or Inheritance, or Goods, 'or Fortunes of the *Subject*, they are not to be decided by 'Natural Reaſon, but by the Artificial Reaſon and Judgment 'of Law, which Law is an Act which requires long Study and 'Experience before that a Man can attain to the Cognizance 'of it, and the Law is the golden Met-wand and Meaſure to 'try the Cauſes of the Subjects, and which protects the King 'in Safety and Peace.

Cook's 12. Rep. *f.* 65.

From this *Conſideration* proceeds the *Rule* of *Law*, (a) *That the King in pleading, ſhall not be concluded to ſhew or to ſay the Truth, but the Law judges him very often to be deceived.*

(a) Le Roi ne ſerra conclude à monſtre ou à dire le veritie mes le Ley adjudgera luy pluſtoſt. d'eſtre deceive *Cook's* 1 Rep. *f.* 43 *a.*

(*b*) The King can do no Wrong, neither will his Prerogative be any Warrant to Him to do any Injury to another.

(*b*) Le Roy ne poit fair tort, ne ſon *Prerogative* voet eſtre aſc. un *garrantie* à lui de fair injurie al autre, *Altonwood's Caſe.* 1 Rep. *f.* 44. *b. Vid.* Plowd. Com. *f.* 247 *a.*

It being the duty of Subjects to ſee that the King be truly informed, for he hath the Charge of the Publick-Weal, and therefore he cannot attend his private Buſineſſes, and the Grants that he makes, he makes as King, and therefore as King, he ought to be ſo inſtructed that his Purpoſe and Intent ſhould take Effect.

Eſt le dutie de Subjects a veier que le Roy ſoit verement enformè, Car le Roy ad le Charge del Bien publique & pur ceo ne poet entend. ſes private beſoignes, & les grants que il fait, il fait come Roi & purceo come Roi il doit eſtre iſſint inſtruct que ſon purpoſe & intent. prendra effect. *Cook's* 1 Rep. *fol.* 52. *a.*

If

If he makes a Charter, *de gratia ſpeciali, certa Scientia & mero motu*, and that is ſolemnly confirmed under the Great Seal of *England*, yet thoſe Clauſes, *Non valent in illis in quibus præſumitur, Principem eſſe ignorantem*, are of no force, as to thoſe things in which it is preſumed that the King is ignorant, and therefore the Courts of *Weſtminſter-Hall*, notwithſtanding ſuch Charter ſo ſolemnly made and ratified, when it appears that the King was deceived in Law, have adjudged them to be void: And in the great Caſe of 28 *H.* 8. in Parliament, when the Biſhops of *Saliſbury* and *Worceſter*, being two Foreigners, were deprived of their Biſhopricks, it was declared by Act of Parliament, That the King having no Knowledg nor other due Information or Inſtruction of the Statute of *Proviſors*, had, contrary to thoſe Statutes, nominated and preferred *Lawrence Campegius* and one *Hierome* to thoſe Sees.

Idem *fol.* 53. *a.*

Act Parl. 28. *H.* 8. *m.* 28.

In the Meſſage ſent by *Ed.* 6. and his Council, to the Rebels in *Devonſhire*, The Council tell them that the ſix Articles were taken away by Parliament; 'Dare then, ſay they, any of you 'with the name of a Subject, ſtand againſt an Act of Parliament, 'a Law of the whole Realm? What is our Power, if Laws 'ſhould be thus neglected; yea, what is your Surety, if Laws 'be not kept?

Fox's Martyrol. 2 *vol.* p. 668. 1 *Col.*

Stephen Gardiner Biſhop of *Wincheſter*, in his Letter to the Lord Protector, the Duke of *Somerſet*, in *Edw.* 6. time, writes thus: 'Now whether the King may command againſt an Act of 'Parliament, and what danger they may fall in that break a 'Law with the King's Conſent, I dare ſay, no Man alive at this 'day hath had more experience, what the Judges and Lawyers 'have ſaid, than I.

Id. in eodem volum; *fol.* 2. *col.* 1.

1. I had Experience in my old Maſter the Lord *Cardinal*, who obtained his Legacy by our late Soveraign Lord's Requeſt at *Rome*, and in his Sight and Knowledg occupied the ſame with his two Croſſes and Maces born before him many Years, yet becauſe it was againſt the Laws of the Realm, the Judges concluded the Offence of the *Præmunire*.

For which when he was indicted in the King's Bench, though he pleaded his Ignorance of the Statute of *Præmunire*, yet that would not help him, but he was forced to ſubmit himſelf to the Law, whereupon it was declared in a great Council convened at *Windſor* by all the Lords, and other the King's Council, that he was out of the King's Protection, that he had forfeited his Goods and Chattels, and that his Perſon might be ſeized on.

Dr. Burnet's *Reform.* 1 Vol. fol. 80. *Anno* 1529. Fox *Vol.* 2. fol. 353. *col.* 2.

And notwithſtanding his Allowance made by the King of his Legantine Power, to which the whole Clergy of *England*, knowing

knowing the King's declared Pleaſure therein, ſubmitted; yet they were all indicted in a *Præmunire* in the King's Bench, for that Submiſſion, though by the King's Conſent, to the illegal Power of the Legate, and thereby breaking the Statutes againſt *Proviſions* or *Proviſors*: nay, it appears in the Rolls that ſeveral Commiſſions were granted under the Great Seal in Supportation of that Authority, but all in vain: The King could do no wrong, he was miſconuſant of the Law, nor had he power of himſelf to alter, ſuſpend, or repeal it, and therefore it was in vain for the Clergy to pretend it was a publick and an allowed Error, and that the King had not only connived at the Cardinal's Proceedings, but had made him all the while his chief Miniſter, that therefore they were excuſable in ſubmitting to an Authority to which the King gave ſo great Incouragement, and that if they had done otherwiſe, they had been unavoidably ruined. But it was anſwered, that the Laws were ſtill in force, and that their Ignorance could not excuſe them, ſince they ought to have known the Law; yet ſince the Violation of it was ſo publick, tho the Court proceeded to a Sentence that they were all out of the King's Protection, and were liable to the Pains in the Statute, the King was willing upon a reaſonable Compoſition, and a full ſubmiſſion, to Pardon them: but before that was done, they were forced in the Convocation to acknowledg the King Supream Head of the Church, and the Province of *Canterbury* to pay 100000 *l.* in lieu of all Puniſhments which they had incurred by going againſt the Statutes of *Proviſors*, and the Province of *York* 18840 *l.* with another Submiſſion of the ſame nature, and ſo they had a general Pardon confirmed by Act of Parliament.

Dr. Burnet's 1 *Vol.* fol. 112, 113. *Anno.* 1531. 30 H. 8.

From all which, it may be obſerved how careful the King's Miniſters ought to be in preſerving and keeping inviolable the ſacred Coronation-Oaths of their Princes, with which by Law they are in a ſpecial manner *intruſted*; and when they have forgot the duty of their own Oath and Office, it is the Happineſs and Safety of both *Prince* and People, that in all *Ages* there hath ſtill been a *Court Soveraign* to call them to a ſtrict and ſevere *Account*, and to make them memorable Examples, not only to the preſent, but to all *future* Generations.

I ſhall paſs over the *Puniſhment* upon the *Juſtices* in King *Alfred*'s time (which you may read at your leaſure in the *Miror* of *Juſtice*) and ſhall come to the *nearer* Times of our own *Norman* and *Engliſh* King's and I'll begin with,

Horn. *Miror of Juſtice*, p. 239, 240, 241, 243, 244.

1. One *Ralph Flambard* in the Reign of *William* the *Second*, who was a Man of a mean *Extraction*, being the Son of *Turſtin*, a common ſecular Prieſt of *Bayon* in France, who by infamous Flattery and crafty Accuſations, got himſelf advanced to the Biſhoprick of *Durham*, Treaſurer of *England*, and Primier Miniſter of State, of whoſe *execrable Villanies* both *Malmesbury*, *Ordericus*

Ordericus Vitali, and *Matthew Paris*, give a large Account (to whom becauſe I deſign brevity, I will refer the Reader) at laſt this *Flambard*, **ad omne ſcelus paratus**, a Man dextrous in all Wickedneſs and Villany, was in Parliament 1 *Hen.* 1. **impeached**, and by the *Common Council* of *England* committed to the *Tower*, from whence *Cuſtodibus ſuis pecunia corruptis*, by corrupting his Keepers he ſlipt Coller, made his Eſcape and fled into *Normandy*.

Malmesb. *fol.* 88. Order. Vital. *f* 678. Matt. Paris. *fol.* 56.

Parl. 1 *H.* 1. Communi Concilio Gentis *Anglorum*.

2. *Henricus de Bathonia* in the 34 *H.* 3. was one of the **Juſtices** of the *Common Pleas*, and *Conciliarius ſpecialis Regis*, a Man very learned in the Laws of the Land, he was accuſed for being *Domini Regis ſubdolus ſubplantor in Officio Juſticiariæ ſibi Commiſſo*, a cunning Supplantor of his Soveraign Lord the King in his Office of *Juſticiar* committed to him, and that by *natural* Inclination he was, right or wrong, ſo gaping after *Bribery* and *Corruption*, that in one bare Journey of a *Circuit* it was reported he appropriated to himſelf above 200 *pounds worth* of Land, (no mean Sum in that Age) and the King *reputans cauſam hanc crimen Leſæ Majeſtatis*, looking upon him for this no leſs than *guilty* of *high* Treaſon, he was in the *Parliament* following impeached at the Suit of the King, charging him among other things, that he was a *Diſturber* and an *Aggrievor* of the *whole* Kingdom, and that he *ſtirr'd* up the **whole Parliament** againſt him, by reaſon whereof a general Sedition might very likely have enſued. I find no Judgment given, but this is certain, that the King was ſo enrag'd againſt him, that he openly declared, *Ut ſiquis Henricum de Barthonia occideret, quietus ſit à morte ejus, & quietum eum proteſtor*, that if any body would but kill this *Henry de Barthonia*, he ſhould be diſcharged of his Death, and ſecur'd by the King; but at laſt, *pro duabus millibus marcarum, plene reconciliatus fuit*, a good round Fine got his Pardon, and he was fully reconcil'd to the King.

Matt. Paris. *f.* 811, 814, 820.

Stimulatus ac voluntarius adeo turpibus, per fas & nefas, emolumentis inhiabat, ut in una ſola itineratione plus, ut dicebatur, quàm ducentas libratas terræ ſibi appropriaret.

Imponens eidem inter cætera quod totum Regnum perturbavit & *Barnagium univerſum* contra ipſum Regem exaſperavit, unde ſeditio generalis imminebat.

3. The **memorable** Judgment that was given in the *Parliament* of 18 *Ed.* 1. againſt the **Juſticiars** and *others* of the King's *Miniſters* for their **intolerable** *Injuries* and *Oppreſſions* committed both on *Church* and *State*, contrary to the *Great Charters* ſo many times *purchaſed* and redeemed, *granted* and *confirmed* to the **Subjects** by the ſeveral **Oaths** of *Ed.* 1, *Hen.* 3. and King *John*, and *corroborated* by the dreadful **thundring** out of the **Sentence** of **Excommunication** againſt the **Invaders** of the *Common Liberties* of **England** contained in them; that thoſe *Criminals* had *ſubtilly* and *maliciouſly* by divers Arguments of Covetouſneſs and intollerable Pride, incited the King againſt his faithful Subjects, and *counſelled* him, *contrary* to the *good* and wholſome *Advice* of his *Parliaments*, and had not been afraid *impudently* to aſſert and *prefer* their own *fooliſh* Counſels, as if they were more fit to conſult about, *and to preſerve the Common-Wealth, than all the Eſtates of the Kingdom aſſembled together*; that they

Judicium redditum versùs Juſticiarios & alios Miniſtros Dom. Regis in Parliamento 18 *E.* 1.

Ex Chron. ab An. 1272. 1 *Ed.* 1 ad An. 1317. 10 *Ed.* 2. *m.* 8. *The Security of Engliſh Men's Lives, or the Truſt, Power, and Duty of the* Grand-Jury *of* England. *pag.*156. *to the End.*

they had *troubled* the Land, and *diſturbed* the Nation, grievouſly oppreſſed the *People*, and under *pretence* of *expounding* the ancient *Laws* had introduced new and *evil Cuſtoms*; ſo that through the *Ignorance* of ſome, and *Partiality* of others (who either for *reward*, or for *fear* of great Men had been *engaged*) there was no *certainty* in the *Law*, that they ſcorned to adminiſter Juſtice to the People; they caſt into Priſon many of the King's faithful Subjects, like *Slaves*, for no real fault in the World; where, with Grief, Hunger, or the exceſſive weight and burthen of their Chains, they died; they *extorted* at their Pleaſure infinite Sums of Mony for their Ranſoms, by reaſon whereof they contracted the irreconcileable Hatred, and dreadful Imprecations of all Men, as if they had obtained ſuch an *incommunicable* Priviledge by the *deteſtable* Charter of *Non obſtante*, *That they might at their own Luſt be* **free** *from all* **Laws** *both* **humane** *and* **divine**; at laſt, notwithſtanding ſome of them abſconded, yet by Judgment of *Parliament*, all (except *John Mettingham* and *Elias Beckingham*, who are named for their Honour) were condemned, ſome to *Impriſonment*, others to *Baniſhment*, or *Confiſcation* of their *Eſtates*, and none eſcaped without *grievous* Fines, and the *loſs* of their *Offices*.

Cook's 3 Inſtit. *fol.* 223. Rot. Parl. *Anno* 24 *E.* 3. *p.*3. *m* 2. dorſe. Rot. Pat. *An.* 25. *E.* 3. *p.*1. *m.* 7.

4. In the 24 *E.* 3. Sir *William Thorpe*, *Chief* Juſtice of the *King*'s Bench, was *indicted* before the **Juſtices** of *Oyer* and *Terminer*, and found *guilty*, and afterwards the *Judgment* was confirmed in *Parliament*, which was, *That this Sir* William *having maliciouſly and falſely, and rebelliouſly, as much as in him lay, broken the King's Oath which he had the keeping of towards the* **People**, *he was adjudged to be* **hang'd**, but afterwards paying a great Fine to the King, he procur'd his Pardon.

Quia prædictus Willielmus de Thorp *Sacramentum* Domini Regis quod erga *Populum* habuit cuſtodiendum fregit maliciosè, falsè, & *rebellitèr* in quantum in ipſo fuit, & ex cauſis ſupradictis per ipſum Willie'mum (ut prædictum eſt) expreſsè cognitis *ſuſpendatur*. Et quod omnia Terræ & Tenemeta, Bona & Catalla ſua Domino Regi remaneant *forisfacta*.

Anderſon's 1 *Rep. Caſe* 201. fol. 156, 157, 158.
Deum præ Oculis non habens.
Ut Filius Diabolicus.
Ut ipſe magis ſingulares favores dicti nuper Regis adhiber. unde magnat. fieri potuiſſet, ac totum Regnum Angliæ ſecundum ejus Voluntatem gubernaret. *f.* 156. Falsò, deceptivè, & proditorie, Legem Angliæ ſubvertens, diverſos Ligeos ipſius nuper Regis ex ſua falſa covina & ſubtil. ingenio contra communem Legem Regni Angliæ de diverſis Feloniis, Murdris, & aliis Artic. & Offen. per ipſum Rich. tunc ſuppoſit. indict. fecit ac indict. procuravit, abbetavit & excitavit.

5. The laſt *Inſtance* I ſhall give, is the *Caſe* of Sir *Richard Empſon*, who was a *Lawyer*, and *Privy-Counſellour* to *Hen.* 7. he was **indicted** in the firſt Year of King *Henry* the 8*th*, *That he not having the the Fear of God before his Eyes, but like a* **Child** *of the* **Devil** *ſubtilly deſigning the Honour, Dignity, and Proſperity of the late King, as alſo the Proſperity of his Kingdom of* England *to* **deſtroy**; *and that he might accumulate to himſelf the particular Grace and Favour of the ſaid late King, that he might be made a* **great Man** *and* **govern** *the* **whole** *Kingdom of* England **according to his Will** *and Pleaſure, falſely, deceitfully, and* **traiterouſly** *ſubverting the Law of* England, *of his own covin and ſubtile Inventions did cauſe, procure, abet and ſtir up ſeveral of the King's Leige* **People** *to be* **indicted** *for divers Felonies, Murders, and other Offences which he* **contrived**, *contrary to the* **Law** *of the* **Land**: *and when*

when they were ſo indicted, he committed them to Priſon without any Proceſs *of* Law, *as to the Fleet,* Counter, *and the Tower of* London, *there to remain at his will, until they had paid divers great Fines and Ranſoms for his own profit in* Subverſion of the Law, *the great Damage and Impoveriſhment of the Subjects, by reaſon whereof the* People *being miſerably harraſſed and oppreſſed with ſuch his* Exactions, *did murmur and repine againſt the late King, to the* manifeſt *Danger of the ſaid* King *and the* Kingdom, *and to the utter* Subverſion *of the good* Laws *and* Cuſtoms *of the* Realm; whereof being found guilty, Judgment of Death paſſed upon him, * and he was *accordingly* executed.

Per quod plures & diverſi populi dicti nuper Regis hijs gravaminibus & indebitis exactionibus multiplicitèr torquebantur in tant. quod Populi dicti nuper Regis versùs ipſum nuper Regem multiplicitèr murmurabant & malignabant in magnum periculum ipſius nuper Regis Regni ſui Angliæ ac ad ſubverſionem Legum & Conſuetudinum ejuſdem Regni. * *Speed's Chron.* fol. 903. N. 3.

The *Conſideration* of ſome of the forementioned *Preſidents*, and others, printed in my Lord Chief Juſtice *Anderſon's Reports*, were *allowed* to be *ſufficient* Reaſons and Authorities by Queen *Elizabeth*, why the *Judges* of the *Common Pleas*, refuſed to admit and comply with certain *illegal* Letters Patents which *She* had ſent to them on the behalf of her *Servant*, one *Richard Cavendiſh*; they confeſs, *That they had not obeyed the Queen's Commandment therein, nor* could *they*; *But they ſaid, that it was* no Offence *nor in* Contempt *to her Majeſty, becauſe thoſe* Commands were contrary to the Law of the Land; *In which Caſes it was ſaid,* That no Man is bound to obey ſuch Commands; *and further they ſaid, that the* Queen *her ſelf was ſworn, and had taken an* Oath *to keep the* Laws, *and ſo likewiſe had the* Judges; *to break which* voluntarily, *as to what concern'd the* Judges, *they anſwered, that if they had obeyed thoſe Commands, they ſhould do otherwiſe than what the* Law *could* warrant *them in; nay, directly againſt the Law, which would be contrary to the* Oath *they all had* ſolemnly *taken, in* Offence *to* God, *to her* Majeſty, *to their* Country, *and Common Weal, in which they were born and had been bred; and if the Fear of God did not reſtrain them, yet the* dreadful Examples *of* others, *and the* Puniſhments *of ſuch who had before offended againſt the Laws, would* remember *them, and keep them from doing any ſuch thing, and for* that *the* Queen *and the* Judges *were* ſworn, *therefore they would not act* according *to her Letters Patens.*

Anderſon's 1° *Rep. ſ.b.*

Ils doient confeſſè que ils ne ont performé les Commandments; mes ils diſoint que ceo ne'ſt aſcun offence ou contempt à ſa Majeſtie pur ceo que les Commandments fuerunt encounter le Ley de Terr. Enquex Caſes fuit dit que nul eſt lye de obeyer tiel Commandment. *fol.* 155.

The Solemnity of the Proceedings in this caſe was very *great*, and *memorable.*

1. The Queen commanded the Lord *Chancellour*, Sir *Chriſtopher Wray*, the *Chief* Juſtice of the King's Bench, and the *Maſter* of the Rolls to hear the *Reaſons* of the Judges. *Fol.* 154.

2. Thoſe Judges were the Lord *Anderſon*, Mr. Juſtice *Mead*, Mr. Juſtice *Windham*, and Mr. Juſtice *Periam*, Men

that were religious to the Church, *loyal* to the *Queen* and of *excellent* Judgment, Gravity, and Wisdom in their *Professions*.

3. The Lord Chancellour having heard their *Reasons*, allowed of the Matters, and gave his *Approbation* of them.

4. He having acquainted her Majesty with them, the *Book* says, *She readily accepted of them.*

And now to draw to a Conclusion.

The CONCLUSION.

THIS said, *The King can do no Wrong*, as I have before observed, and it is upon a great *Reason* of *Law* that it is so said; for the *Wisdom* of the *Law* hath provided a *Council* to advise and direct him for the better Preservation and Observance of his *Coronation* Oath.

Does the King resolve to declare his Will and Pleasure by his *Charter?* The Law hath taken care that the *Secretary* of *State*, the *Masters* of *Requests*, the *Attorny General*, the *Clark* of the *Signet*, the *Clerk* of the *Privy* Seal, and the *Lord Keeper*, or *Chancellour* of *England*, successively, shall all have the Perusal and Examination thereof, who by their *Oaths* are obliged **well** and **legally** to **Councel** the King according to their **Knowledg** and their **Power**, and if any of these (who generally were Lawyers) did misguide the King in *Point* of *Law*, they were *answerable* therefore in the **Supream** Court of the *Kingdom*; I know very well, that in the *Modern* **Oaths** translated into *English*, the word *Loiaument*, is rendred **Truly**, and tho I agree that it is the *Duty* of every Man in his Place and Office **Truly** to advise and serve the King; yet **Loiaument** legally to councel him, is a *word* of *higher* Import, aad larger Extent than the *other*, by how much he stands bound to make his Advice to be agreeable to the *Rules* of *Law*, and not the mere *Will* and *Pleasure* of his *Prince*; and indeed no Man can be said **Truly** to serve the King, but he that *serves* him **Loiaument**, according to the *known* Law, and that Man is the only truly loyal *Subject*.

Ryley's Plac. Parl. *fol.* 317. q'bien & *loiaument* Conseillerer le Roy solonc voſtre *sen* & voſtre *poier*.

For *Bracton* that famous Judg, in *Henry* the Third's time, had delivered it as a perpetual Rule both of Law and Truth; *Lex facit Regem, & quia per Legem factus est, Rex attribuat ei,*

ei, viz. *Dominationem & Poteſtatem, & dignum eſt quod per ipſum tueatur Lex cui Honorem tribuit & Poteſtatem.* Bracton *lib.* 1. *cap.* 8. f. 5. It being the greateſt Honour and Privilege of a King to rule his Subjects according to Law.

Seneca (a *wiſe* Man, *Tutor* to an *Emperor*, and one that well *underſtood* what he wrote) brake forth into this paſſionate Interrogation, *Quid omnia poſſidentibus deeſt? ille qui verum dicat*; what thing only do they want who poſſeſs all things? even (anſwers he) a **Perſon** *that will ſpeak down-right Truth, and give them honeſt Advertiſements*; and therefore the Lord Chancellour *Bacon*, among many other his excellent Councels to the late Duke of *Bucks*, urgeth this following Document, with a warmer Zeal than ordinary. *In reſpect of the King your Maſter,* (ſaith he) *you muſt be wary that you give him* **true Information**; *and if the matter concern him in his* **Government**, *that you do not flatter him, if you do, you are as great a* **Traitor** *in the* **Court** *of* **Heaven**, *as he that* **draws** *his* **Sword** *againſt* **him.**

Sen. de Benef.

Caballa *of Letters* fol. 41.

King *James* gives theſe *ſort* of Perſons no better *Names*, than thoſe of *Vipers* and *Peſts* to their *Prince* and the *Common Wealth*; and that *Glorious* Martyr, King *Charles* the Firſt, reſembles them to *baſe* **Flies** *which hang upon proſperous Princes, as on Summer Fruits, but Adverſity* (ſaith he) *like cold Weather, drives them away.*

In his Speech to the Parliament, 1609, *his Works*, fol. 531.

Εἰκὼν Βασιλικὴ, *Meditat.* 27. *Parag.* 4.

In fine, it is, and hath been an *eternal* **Maxime** of **Truth** in the *Common Laws* of *England*—; And that grounded upon no leſs *Authority* than the *Divine Law* of *Almighty God*, *That the* **Law** *of the* **Kingdom** *hath ſo* **admeaſured** *and aſſertained the* **Prerogative** *of our Kings, That* **it** *will not* **ſuffer** *or permit them to prejudice or* **wrong** *the* **Inheritance** *of* **any** *of their* **Subjects.**

Et coment que le Roi ad moults Prerogatives per le *Common Ley* touchanſa perſone ſes Biens ſes dets Duties & autres choſes perſonal, *uncore* le *Common Ley* adtielment *ad meſure ſes Prerogatives* que ils ne *tolerount* ne præjudicaront le *Inheritance* de *aſcun*. Plowden Com. *fol.* 236. *a.*

And of this *Opinion* and *Judgment* was his late *Majeſty* of bleſſed *memory*, when he ſo *ſolemnly* **declared** and **publiſhed** to all the **World**, *That the* **Law** *is the* **Inheritance** *of every* **Subject**, *and the only* **Security** *he can have for his* **Life**, *or* **Eſtate**, *and the which being neglected or diſeſteemed* (**under what ſpecious Shew ſoever**) *a great meaſure of* **Infelicity**, *if not an* **irreparable Confuſion** *muſt without doubt fall upon them.*

King Charles *the Firſt, his Declaration to all his loving Subjects, publiſhed with the Advice of his Privy-Council, exact Collections of Declarations*, pag. 28, 29.

'Therefore the main thing, next to Religion, on which a 'Prince's Proſperity will depend and move, is that of Civil 'Juſtice, wherein the ſettled Laws of theſe Kingdoms are the 'moſt excellent Rules a Prince can govern by; which by an 'admirable Temperament, give very much to Subjects Induſtry, 'Liberty, and happineſs, *and yet reſerve enough to the Majeſty, 'and Prerogative of any King, who owns his People as Subjects,*

Εἰκὼν βασιλ. 27. *Medit.*

'not

'*not as Slaves*; whose Subjection, as it preſerves their Property, 'Peace, and Safety, ſo it will never diminiſh a Prince's Rights, 'nor their ingenuous Liberties; which conſiſts in the Enjoy-'ment of the Fruits of their Induſtry, and *the Benefit of* those 'Laws, *to which* themſelves *have conſented.*

'The King's Prerogative (ſays this incomparable Prince a 'little after) is beſt ſhewed and exerciſed, in remitting, rather 'than exacting the Rigor of the Laws; there being nothing 'worſe than legal Tyranny. *Where the word of a King is, there is Power*, ſaith the Holy Scripture, which gives great weight and ſanction to what this King of bleſſed Memory hath here in the ſame Meditation recommended, nor can I better tell how to conclude than with ſo ſacred an Authority, which he preſcribes as another Rule and Maxime to his preſent Majeſty, and which as it was there particularly directed to him, ſo it ought to be written by no leſs than a Sun Beam to enlighten both the Princes of this Age, and all ſucceeding Generations: his Words are theſe,

'Never repoſe ſo much upon any Man's ſingle Councel, Fi-'delity, and Diſcretion in managing Affairs of the firſt Mag-'nitude, (that is, matters of Religion and Juſtice) as to create 'in your ſelf, or others a diffidence of your own Judgment, 'which is likely to be always more conſtant and impartial to the 'Intereſt of your Crown and Kingdom than any Man's.

'Next beware of exaſperating any Factions by the Croſsneſs 'and Aſperity of ſome Men's Paſſions, Humours or private Opi-'nions imployed by you.

'The more conſcious you ſhall be to your own Merits, upon 'your People, the more prone you will be to expect all Love 'and Loyalty from them; and inflict no Puniſhment upon them 'for former Miſcarriages; you will have more inward Compla-'cency in pardoning one, than in puniſhing a thouſand.

'Nor would I have you to entertain any Averſation, or diſ-'like of Parliaments, which in their right Conſtitution, with 'Freedom and Honour, will never injure or diminiſh your 'Greatneſs; but will rather be as interchangings of Love, Loy-'alty and Confidence, between a Prince and his People.

POST-

POST-SCRIPT.

The Oath of the Lord Mayor.

YE ſhall ſwear, That ye ſhall well and lawfully ſerve the King's Majeſty in the Office of Mayoralty in the City of *London*, and the ſame City ye ſhall ſurely and ſafely keep to the behoof of his Highneſs, his Heirs, and lawful Succeſſors, and the Profit of the King ye ſhall do. In all things that to you belongeth, and the Right of the King that to the Crown appertaineth in the ſame City of *London*, lawfully ye ſhall keep. Ye ſhall not conſent to the decreaſe, ne concealment of the Rights, ne of the Franchiſes of the King; and where ye ſhall know the Rights of the King or of the Crown, be it in Lands, or in Rents, Franchiſes, or Suits concealed or withdrawn, to your Power ye ſhall do to repeal it; and if you may not, ye ſhall ſay it to the King, or to them of his Council, that you wete well ſay it to the King. Alſo lawfully and rightfully ye ſhall intreat the People of your Bailwick, and Right ſhall ye do to every one, as well to Strangers as others, to poor as to rich, in that belongeth you to do, and that for Highneſs, ne for Riches, for Gift, ne for Beheſt, for Favour, ne for Hate, Wrong ſhall ye do to no Man, ne nothing ſhall ye take, by which the King ſhall leeſe, or Right be diſturbed or letted; and good Aſſiſe ſhall ye ſet upon Bread, [Wine] Ale, Fiſh, Fleſh, Corn, and all other Victuails; Weights and Meaſures in the ſame City, ye ſhall do to be kept, and due Execution do upon the Defaults that thereof ſhall be found according to all the Statutes thereof made, not repealed, and in all other things that to a Mayor of the City of London belongeth to do, well and lawfully ye ſhall do and behave you: As God you help.

The Oath of an Alderman.

YE ſhall ſwear, That ye ſhall well and lawfully ſerve our Soveraign Lord the King in the City of *London*, in the Office of Alderman, in the Ward of *N*—— wherein ye ſhall be choſen Alderman, and every other Ward whereof ye ſhall be choſen Alderman hereafter; and lawfully ye ſhall entreat the People of the ſame Ward of ſuch things as to them appertaineth to do, for keeping of the City, and for maintaining of the Peace in the ſame; and the Laws and Franchiſes of this City, ye ſhall keep and maintain, within the City and without, after your wit and power; and attendant ye ſhall be to maintain the right of Orphans after the Laws and Uſages of the ſame City; and ready ye ſhall be to come at the Summons and Warning of

the Mayor and Miniſters of this City for the time being, to ſpeed th Aſſiſes, Pleas, and Judgments of the Huſtings, and other needs of this City, if you be not let by the needs of the King, or by ſome other reaſonable Cauſe; and good and lawful Counſel ye ſhall give for ſuch things as touch the common Profit of the City; and ye ſhall ſell no manner Victual by retail, as Bread, Ale, Wine, Fleſh, ne Fiſh, by your Apprentices, Allowes, Servants, ne by any other way, ne Profit ſhall ye none take of any ſuch manner Victual ſo ſold during your Office. The Secrets of this Court ye ſhall keep, and not diſcloſe any thing here ſpoken for the Common-wealth of this City, or that might hurt any Perſon or Brother of this ſaid Court, unleſs it be ſpoken to your Brother, or to any other, which in your Conſcience and Diſcretion ye ſhall think to be for the Common-wealth of this City; and well and lawfully ye ſhall behave you in the ſaid Office, and in all other things touching the ſaid City: As God you help.

The Oath of the Sheriff.

YE ſhall ſwear, That ye ſhall be good and true unto our Soveraign Lord the King of *England*, and unto his Heirs and Succeſſors, and the Franchiſe of the City of London within and without ye ſhall ſave and maintain to your power; and ye ſhall well and lawfully keep the Shires of London and Middleſex, and th'Offices that to the ſame Shires appertain to be done well and lawfully ye ſhall do after your wit and power; and Right ye ſhall do as well to poor as rich, and good Cuſtom you ſhall none break, ne evil Cuſtom arrere; and the Aſſiſe of Bread, Ale, and all other Victuals within the Franchiſe of this City, and without, well and lawfully ye ſhall keep, and do to be kept; and the Judgments and Executions of your Court, ye ſhall not tarry without cauſe reaſonable; ne Right ſhall you none diſturb. The Writs that to you come touching the State and Franchiſe of this City, you ſhall not return till you have ſhewed them to the Mayor and the Council of this City for the time being, and of them have Adviſement; and ready you ſhall be at reaſonable warning of the Mayor, for keeping of the Peace, and maintainning the State of this City; and all other things that longen to your Office, and the keeping of the ſaid Shires, lawfully you ſhall do, by you and yours, and the City you ſhall keep from harm after your Power, and the Shire of Middleſex; ne the Goal of *Newgate* you ſhall not let to farme: As God you help.

ADDITION.

Ye ſhall alſo ſwear, That ye ſhall freely give all ſuch Rooms and Offices of Serjeants and Yeomen as ſhall happen to become void during the time ye ſhall remain in the Office of Shrievalty, to ſuch apt and able Perſon or Perſons as ſhall be

by

by you nominated to the Lord Mayor and Court of Aldermen, and by them admitted, **without any Money or other Reward** to be had, taken, or hoped for in respect thereof, according to the **Act of Common Council** made and provided in that behalf, the *nine and twentieth* day of *April*, in the *six and twentieth* Year of the Reign of our Sovereign Lady Queen *Elizabeth*, &c. As God you help.

The Oath of the Common Clerk, or Town-Clerk.

YE shall swear, That you shall be good and true to our Soveraign Lord the King, and to his Heirs and lawful Successors; and the City of London, **and the Liberties and Franchises of the same, to your Power ye shall maintain and defend**; and the Councel of the said City ye shall keep, and the Harm of the same ye shall not know, but ye shall open it unto the Mayor and Aldermen of the said City for the time being; and attendant ye shall be upon the Mayor of the said City for the time being; and ready ye shall be at all times to come at the warning of the said Mayor, but yf you be letted about the business of this City, or by some other reasonable cause. Also resiant and dwelling ye shall be within the City during your Office, and **all Pleas of Hustings, and all other Pleas and Records that to you belongeth to enter, ye shall truly enroll and enter**; **and all things that cometh to your keeping, as well Records as other things of the City, ye shall do your diligence safely to keep**; **ye shall shew, ne deliver no Record, nor other Monument of the City, whereby the City might be hurt**, nor no Record that toucheth the Right of any Person, ye shall bide, conceal, ne deny; and good Counsel after your Wit and Power ye shall give in all things touching the Weale of this City. Also ye shall keep no Clerk under you, but such as shall be able, and admitted by the Mayor and Aldermen of the said City for the time being, and sworn before the said Mayor and Aldermen; nor any such Clerk remove without th'Assent of the said Mayor and Aldermen. Also ye shall swear, That you shall take no Money, Reward, nor Gift of any Person for any matter to be moved, or the which shall hang before the Mayor, Aldermen, or Sheriffs, or before the Mayor of this City of *London* for the time being. Also ye shall take no manner Money, nor other Reward for any Matter or Cause which shall be moved, or hang in any Court of this City, wherein by reason of your Office, ye shall have any Authority or Power, except only the Fees to your Office of **old times due, used and accustomed**. Also ye shall bear and pay all manner Taxes and all other Charges to you to be laid within this City, like as Citizens of the same City shall do for their part during your Office; and **in all other things to your Office appertaining, well and lawfully ye shall behave you**: As God you help.

The

The Oath of the Common Serjeant.

YE shall swear, That ye shall well and lawfully serve the City of London in the Office of Common Serjeant; and the Laws, Usages and Franchise of the same City, ye shall keep and defend, within the City and without, after your Wit and Power; and the right of Orphans of this City ye shall pursue, save and maintain; and good and lawful Councels ye shall give in all things touching the common profit of this City; and the Councel of the same City ye shall keep; and the common harm of this City ye shall not know, but you shall after your Power let it, or give it in knowledg to the Council of this City; and attendant ye shall be on the Mayor, Aldermen and Commons, for causes and needs of this City, at all times when ye shall be required and charged, and in all Places where need is, lawfully to shew and declare, and attendantly pursue for the common profit of this City. Also ye shall swear, That you shall take no Money, Reward, nor Gift of any Person for any Matter to be moved, the which shall hang before the Mayor, Aldermen or Sheriffs, or before the Mayor of the City of *London* for the time being. Also ye shall take no manner Money, nor other Reward for any Matter or Cause which shall be moved or hang in any Court of this City, wherein by reason of your Office ye shall have any Authority or Power, except only the Fees to your Office, of old time due, used and accustomed. Also ye shall bear and pay all manner Taxes, and all other Charges to you to be layed within this City, like as Citizens of the same City shall do for their part, during your Office: As God you help.

The Oath of them that be of the Common-Council.

YE shall swear, That ye shall be true to our Soveraign Lord the King, his Heirs and lawful Successors, and readily come when you be summoned to the Common-Council of this City, but yf you be reasonably excused; and good and true Councel ye shall give in all things touching the Common-Weal of this City after your Wit and Cunning; and that for favour of any Man, ye shall maintain no singular Profit against the common Profit of this City: And after that you be come to the Common Council, ye shall not from thence depart till the Common Council be ended, without a reasonable cause, or else by the Mayor's Licence; and also that all secret things that be spoken or said in the Common Council, the which ought to be kept secret, ye shall in no wise disclose: As God you help.

F I N I S.

The Reader is desired to amend these *Errata* of the Press, or what other he may meet with.

Folio 2. Line 7. for *sustiner*, read *sustine*. l. 21. r. *solemnly*. fol. 5. l. 41. for *Vicecomitatum*, r. *Vicecomites*. fol. 16. in Marg. l. 16. r. *mischeningas*. fol. 20. l. 19. f. *he*, r. *the*. in Marg. l. 12. *Asc un*, r. *ascun*. fol. 23. l. 1. *vitali*, r. *vitalis*. l. 27. and 29. f. *Barthonia*, r. *Bathonia*.